



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC OPC

Introduction:

Only the landlord attended the hearing and gave sworn testimony. I find that the Notice to End a Residential Tenancy dated March 24, 2017 to be effective September 1, 2017 was served by registered mail on the Tenant. The landlord admitted service of the tenant's application for dispute resolution by registered mail. The tenant applies to cancel a Notice to End the Tenancy for cause pursuant to section 47 of the *Residential Tenancy Act* (the Act) and recover filing fees.

Issues: Is the tenant entitled to any relief?

Background and Evidence:

The tenant applicant did not attend and after 10 minutes, the hearing proceeded in her absence. The landlord attended the hearing and was given opportunity to be heard, to provide evidence and to make submissions. The tenancy began on April 15, 2013 for this tenant and her child. The rent is \$740 a month and a security deposit of \$355 was paid. The landlord served the Notice to End Tenancy pursuant to section 47 for a breach of a material term of the tenancy agreement.

The landlord explained that the National Occupancy Guidelines do not permit a parent and child to occupy a one room bachelor apartment and they advised the tenant of this. They were willing to work with the tenant to help her with alternate housing but it appears she vacated the unit. They have been unable to contact her. They request an Order of Possession pursuant to section 55 of the Act.

Analysis:

The Notice to End a Residential Tenancy is based on cause pursuant to section 47 of the Act. The Residential Tenancy Act permits a tenant to apply to have the Notice set aside. Although the tenant disputed the Notice in time, I find she did not attend the

hearing to support her position. I have therefore dismissed this application to cancel the Notice to End the Tenancy. Section 55 provides that the arbitrator must grant an order of possession of the rental unit where an arbitrator has dismissed the tenant's application and has upheld the Notice. As a result I grant the landlord an Order for Possession. Since it appears the tenant has vacated, it will be effective two days from service.

Conclusion:

I grant the landlord an Order for Possession effective two days from service. The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement. I dismiss the tenant's application without recovery of the filing fee.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 19, 2017

Residential Tenancy Branch