



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC RP

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of a 1 Month Notice to End Tenancy For Cause (the 1 Month Notice), pursuant to section 47;
- an order to the landlord to make repairs to the rental unit pursuant to section 32;
- an "other" remedy.

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 9:48 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 a.m.

As the tenant failed to attend the hearing, the tenant's application is dismissed in its entirety without leave to reapply.

Issues

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on October 1, 2014 with a monthly rent of \$900.00 payable on the 1st day of each month.

The landlord testified that on May 28, 2017 he served the tenant with the 1 Month Notice by posting a copy to the door of the rental premises.

The tenant's application to cancel the 1 Month Notice was filed on June 5, 2017 within the time period permitted under the Act.

Analysis

As the tenant filed an application to dispute the 1 Month Notice, I am satisfied that the tenant was deemed served with the 1 Month Notice on May 31, 2017, three days after its posting, pursuant to sections 88 & 90 of the Act.

Section 55(1) of the *Act* states that if a tenant applies to dispute a landlord's notice to end tenancy and their Application for Dispute Resolution is dismissed or the landlord's notice is upheld the landlord must be granted an order of possession if the notice complies with all the requirements of Section 52 of the *Act*.

The tenant filed an application to dispute the Notice within the required timeline but failed to follow through on the application by attending the hearing. I dismiss the tenant's application to cancel the 1 Month Notice without leave to reapply.

I find that the Notice served by the landlord is in compliance with the form and content requirements of section 52 of the Act; therefore, the landlord is entitled to an Order of Possession pursuant to section 55 of the Act.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 27, 2017

Residential Tenancy Branch