



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding H.W. ROOMS INC  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This reconvened hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") pursuant to section 47.

An interim decision was issued by another arbitrator on August 8, 2017. The applicant/tenant made a request for correction of the interim decision on August 9, 2017. I was prepared to hear the tenant's submissions regarding the request for correction at this hearing, pursuant to section 78 of the *Act*.

This matter was set for hearing by telephone conference call at 11:00 am on this date. The line remained open while the phone system was monitored for fourteen minutes and the only participants who called into the hearing during this time was the respondent and the applicant's advocate. The advocate confirmed that she has not been appointed as agent and has no authority to attend the hearing in place of the applicant. Therefore, as the applicant did not attend the hearing by 11:14 am, and the respondent appeared and was ready to proceed, I dismiss the claim and the correction request of the interim decision without leave to reapply.

Section 55 of the *Act* provides that:

If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

- (a) the landlord's notice to end tenancy complies with section 52 [form and content of notice to end tenancy], and
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

As I have dismissed the tenant's application, and I find that the 1 Month Notice complies with the form and content requirements of section 52 as it is signed and dated by the landlord, provides the address of the rental unit, the effective date of the notice, and the grounds for the tenancy to end, I find that the landlord is entitled to an Order of Possession pursuant to section 55. As the effective date of the notice has passed, I issue an Order of Possession effective two (2) days after service.

### Conclusion

The tenant's application and request for correction of the interim decision is dismissed.

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or anyone on the premises 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: August 24, 2017

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Residential Tenancy Branch