



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RENFREW HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC O

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") seeking to cancel a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") dated July 31, 2017 and other unspecified relief.

The respondent landlord agent B.G. (the "agent") attended the teleconference hearing. The hearing was by telephone conference call and began promptly as scheduled at 9:30 a.m. Pacific Time on Wednesday, September 20, 2017, as per the Notice of a Dispute Resolution Hearing/ Rescheduled Hearing provided to the tenant dated September 6, 2017 after the tenant requested a delay in the hearing date originally scheduled for September 11, 2017. The line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the agent for the landlord who was ready to proceed. The agent testified that the tenant continues to occupy the rental unit.

After the ten minute waiting period, the tenant's application was **dismissed in full, without leave to reapply**. Section 55 of the *Act* states:
Section 55 of the *Act* applies and states:

Order of possession for the landlord

55 (1) 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.

[My emphasis added]

Pursuant to section 55 of the *Act*, and having reviewed the 1 Month Notice which I find complies with section 52 of the *Act*, I grant the landlord an order of possession effective **two (2) days** after service on the tenant. The effective vacancy date of the 1 Month Notice was August 31, 2017 which has already passed. I find the tenancy ended on August 31, 2017 at 1:00 p.m. Pursuant to section 47 of the *Act* as the tenant failed to attend the hearing I find the 1 Month Notice to be considered undisputed by the tenant as a result.

Conclusion

The tenant's application has been dismissed in full, without leave to reapply as the tenant failed to attend the hearing. I find the 1 Month Notice to be undisputed as a result. The tenancy ended on August 31, 2017 at 1:00 p.m.

The landlord has been granted an order of possession effective two (2) days after service on the tenant. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, except as otherwise provided under the *Act*, and 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: September 20, 2017

Residential Tenancy Branch