



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, RP, ERP, LRE, LAT, RR

Introduction

On March 24, 2017, the Tenant submitted an Application for Dispute Resolution asking for more time to make an application to cancel a notice to end tenancy, and to cancel a 1 Month Notice to End Tenancy for Cause (“the 1 Month Notice”). The Tenant is also seeking the following:

- an order for the Landlord to make emergency repairs to the unit
- to suspend or set conditions on the Landlords right to enter the rental unit
- authorization to change the locks
- to deduct the cost of repairs, services, or facilities from the rent

The matter was set for a conference call hearing. The Landlord appeared at the hearing; however, the Tenant did not. The Landlord was provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Should the Tenant’s Application be dismissed?
- Is the Landlord entitled to an order of possession

Background and Evidence

The Landlord testified that he served the Tenant with a 1 Month Notice in person on June 16, 2017. The effective date of the 1 Month Notice is July 31, 2017.

The reasons for ending the Tenancy provided by the Landlord within the 1 Month Notice are:

Tenant or a person permitted on the property by the Tenant has:

- *Seriously jeopardized the health or safety or lawful right of another occupant or the Landlord*
- *Put the Landlord's property at significant risk*

Tenant has caused extraordinary damage to the unit/site property /park

The 1 Month Notice provides information for Tenants who receive the Notice. The Notice states that a Tenant has the right to dispute the Notice within 10 days after receiving it by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

The Tenant disputed the 1 month Notice on June 26, 2017, but failed to attend the hearing.

Analysis

Based on the above, the testimony and evidence of the Landlord, and on a balance of probabilities, I find as follows:

The Tenant received the 1 Month Notice on June 16, 2017. The Tenant disputed the 1 Month Notice, but failed to attend the hearing.

Since the Tenant did not attend the hearing, the Tenant's Application to cancel the 1 Month Notice is dismissed.

Under section 55 of the Act, when a Tenants application to cancel a Notice to end tenancy is dismissed and I am satisfied that the notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

I find that the 1 Month Notice complies with the requirements for form and content. The Landlord is entitled to an order of possession effective two (2) days after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The Tenant failed to attend the hearing. The Tenant's Application to cancel the 1 Month Notice to End Tenancy for Cause is dismissed.

I grant the Landlord an order of possession effective two (2) days after service on the Tenant. The Tenant must be served with the order of possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: September 06, 2017

Residential Tenancy Branch