



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* (“the Act”) for an order as follows:

- to cancel a 1 Month Notice to End Tenancy given for Cause (“1 Month Notice”) pursuant to section 47 *Act*.

While the Respondent attended the hearing by way of conference call, the Applicant did not, although I waited until 10:40 A.M. in order to enable the Applicant to connect with this teleconference hearing scheduled for 10:30 A.M. The Respondent attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Analysis

Following opening remarks, the landlord explained that the tenant had vacated the rental unit on September 17, 2017 after having been served with a 1 Month Notice on July 31, 2017. This notice was placed on the tenant’s door and has a corrected effective date of August 2, 2017.

Section 55(1) of the *Act* reads as follows:

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 an order of*

possession of the rental unit to the landlord if, at the time scheduled for the hearing,

- (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.*

A copy of the landlord's 1 Month Notice to End Tenancy for Cause was supplied to the hearing as part of the tenant's application for dispute resolution. Based on the 1 Month Notice entered as written evidence and the landlord's sworn testimony, I find that the landlord's 1 Month Notice complies with section 52 of the *Act*. The tenant's failure to attend this hearing and present evidence relating to his application leads me to order that his application to cancel the 1 Month Notice is dismissed without liberty to reapply.

Based on my decision to dismiss the tenant's application for dispute resolution and my finding that the landlord's 1 Month Notice complies with section 52 of the *Act*, I find that this tenancy ended on the corrected effective date of the 1 Month Notice, September 30, 2017, and the landlord is entitled to an Order of Possession.

Conclusion

The landlord is provided with a formal copy of an Order of Possession effective 2 days after service. Should the tenant fail to comply with this Order, this Order may be 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: October 3, 2017

Residential Tenancy Branch