



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNL FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a Notice to End given by the landlord and to recover the filing fee.

The applicant tenant was provided with a copy of the Notice of a Dispute Resolution Hearing after filing their application dated August 01, 2017.

Proceeding note

The original hearing date of October 16, 2017 at 9:30 a.m. was compromised by technical issues beyond control of the parties. Solely the landlord was able to access the hearing at 9:45 a.m. The tenant subsequently communicated to the Branch their inability to attend the hearing at the scheduled time and as a result the hearing was rescheduled to this date and time of October 18, 2017 at 10:00 a.m. The Branch sent both parties information of the rescheduled hearing date and time by e-mail. The tenant was also left a voice mail message stating that an e-mail was being sent to them with a new notice of hearing regarding the rescheduled hearing time. The tenant, however, did not attend the rescheduled hearing set for today at 10:00 a.m. The phone line remained open for 15 minutes and was monitored throughout this time. The only party to call into the hearing was the respondent landlord.

Analysis and Conclusion

Following the above waiting period, the application of the tenant was **dismissed**, without leave to reapply.

Section 55(1) of the Act states that if I dismiss the tenant's application or uphold the landlord's Notice to End I must grant the landlord an Order of Possession if the Notice complies with **Section 52** of the Act. I find the landlord's Notice to End complies with the form and content requirements of Section 52 of the Act and is valid. As a result,

I grant an Order of Possession to the landlord **effective 2 days from the day** it is served on the tenant. The tenant must be served with this 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 final and binding.

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 18, 2017

Residential Tenancy Branch