



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC FF

Introduction

This hearing was convened in response to an application by the tenant to cancel the landlord's Notice to End for Cause dated July 26, 2017 with an effective date of August 31, 2017, and recover the filing fee.

The applicant tenant was provided with a copy of the Notice of a Dispute Resolution Hearing dated August 03, 2017 after filing their application. The tenant, however, did not attend the hearing set for today at 11:00 a.m. The phone line remained open during the hearing for a minimum of 15 minutes and was monitored throughout this time. The only party to call into the hearing was the respondent landlord and their representative. As a result, the tenant's application was preliminarily **dismissed**, without leave to reapply. The landlord testified the tenant still resides in the unit and that on October 15, 2017 they personally provided the tenant all of the evidence received by this proceeding.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Analysis

The tenant failed to appear for a scheduled Dispute Resolution hearing and as a result their application to set aside the landlord's Notice to End Tenancy for Cause has been dismissed. **Section 55** of the Act provides that if a tenant's application to dispute a landlord's Notice to End a tenancy is dismissed or the landlord's notice is upheld the landlord is entitled to an Order of Possession if the landlord's notice complies with Section 52 of the Act. In relevant part **Section 55** states as follows;

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.

I find that the landlord's Notice to End complies with Section 52 of the Act and as a result of dismissing the tenant's application I must grant the landlord an Order of Possession.

As the effective date of the Notice to End has elapsed the landlord is issued an **Order of Possession** effective **two (2) days** after its service.

Conclusion

The tenant's application is dismissed, without leave to reapply.

I grant an Order of Possession to the landlord **effective 2 days from the day it is served on the tenant**. 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 on both parties.

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 25, 2017

Residential Tenancy Branch