



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 723549 Alberta Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing was convened in response to an application by the Tenant for an order cancelling a notice to end tenancy pursuant to section 47 of the *Residential Tenancy Act* (the "Act").

The matter was set for a conference call hearing at 9:00 a.m. on this date. The line remained open while the phone system was monitored for ten minutes. The only participant who called into the hearing during this time was the Landlord who was ready to proceed on the notice to end tenancy for cause (the "Notice"). The Tenant failed to attend to present their claim. In the absence of the Tenant who made the application, I dismiss this claim without leave to reapply.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy started on August 6, 2015. Rent of \$775.00 is payable on the first day of each month. On August 10, 2017 the Landlord served the Tenant with a one month notice to end tenancy for cause (the "Notice"). The Notice is contained on the form approved by the Residential Tenancy Branch, is signed and dated by the Landlord's Agent DV who states that she completed the form and in error misspelled her last name, sets out the address of the rental unit, states the effective date of the notice, albeit incorrectly, and sets out that the grounds for ending the tenancy is that:

- the Tenant or a person permitted on the property by the Tenant has significantly interfered with or unreasonably disturbed another occupant of the landlord; or

- the Tenant or a person permitted on the property by the Tenant has engaged in illegal activity that has, or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant.

The Landlord notes under the details that the Tenant smokes in the unit contrary to the tenant being in a non-smoking unit. The Tenant has paid the rent in full for November 2017.

Analysis

Section 55(1) provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed or the landlord's notice is upheld. Section 52 of the Act provides that a notice to end tenancy from a landlord must be in writing and must be signed and dated by the landlord, give the address of the rental unit, state the effective date of the notice, state the grounds for ending the tenancy, and be in the approved form.

As the Notice complies in form and content and as the Tenant's application has been dismissed I find that the Landlord is entitled to an order of possession. As the Landlord collected the full rent for November 2017 I grant an Order of Possession to the Landlord effective 1:00 p.m. on November 30, 2017.

Conclusion

The Tenant's application is dismissed.

I grant the Landlord an order of possession effective 1:00 p.m. on November 30, 2017.

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: November 06, 2017

Residential Tenancy Branch