



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BRITISH COLUMBIA HOUSING MANAGEMENT COMMISSION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNC, MNDC, LRE

Introduction

This hearing was convened in response to an application by the tenant to cancel the landlord's 1 Month Notice to End Tenancy for Cause (Notice to End) for a monetary Order and to suspend or make conditional the landlord's right to enter the tenant's unit.

The applicant tenant was provided with a copy of the Notice of a Dispute Resolution Hearing dated October 04, 2017 after filing their application. The tenant, however, did not attend the hearing set for today at 9:30 a.m. The phone line remained open during the hearing for a minimum of 10 minutes and was monitored throughout this time. The only party to call into the hearing was the respondent landlord and their representatives. As a result, the tenant's application was preliminarily **dismissed**, without leave to reapply. The landlord testified the tenant still resides in the unit.

The *style of cause* has been amended to also indicate the entity name of the landlord.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Analysis

The tenant has failed to appear for their scheduled Dispute Resolution hearing and as a result their application to set aside a 1 Month Notice to End Tenancy for Cause has been dismissed. **Section 55** of the *Act* provides that if a tenant's application to dispute a Notice to End 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 in this matter 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.

The landlord is issued an **Order of Possession** effective **two (2) days** after it has been served on the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

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

The landlord is given an Order of Possession pursuant to Section 55(1) of the Act.

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: December 13, 2017

Residential Tenancy Branch