



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SOUTHVIEW GARDENS LIMITED PARTNERSHIP BENTALL KENNEDY PROPERTIES and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNR

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for nonpayment of rent. This matter was set for a conference call hearing at 10:30 a.m. on this date. As of 10:40 a.m. the applicant/tenant had not called into the conference call. The respondent/landlord called in.

The tenant filed a copy of the notice to end tenancy. The two page notice was served in the format prescribed by legislation. The applicant did not call into the conference call and therefore the notice to end tenancy is upheld and the tenant's application is dismissed without leave to reapply.

Section 55 of the *Residential Tenancy Act* states as follows:

- 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.

Under the provisions of section 55(1), I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. The tenant must be served with the 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.

Conclusion

The notice to end tenancy is upheld and I grant the landlord an order of possession effective by 1:00pm on December 31, 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: December 19, 2017

Residential Tenancy Branch