



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

CNC

### Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause.

### Issue(s) to be Decided

Should the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside?

### Background and Evidence

The hearing was scheduled for 9:00 a.m. on this date. The Landlord joined the teleconferenced prior to the scheduled start time and by the time the teleconference was terminated at 9:15 a.m., the Tenant had not appeared.

The Landlord stated that on September 28, 2017 the One Month Notice to Cause that is the subject of this dispute was personally served to the Tenant. This Notice, which was submitted in evidence, declares that the Tenant must vacate the rental unit by October 31, 2017.

### Analysis

I find that the Tenant failed to diligently pursue the application and I therefore dismiss the application without leave to reapply.

Section 55(1) of the *Act* stipulates that 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 the landlord's notice to end tenancy complies with section 52 of the *Act* and the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I find that the One Month Notice to End Tenancy complies with section 52 of the *Act* and I therefore must grant the Landlord an Order of Possession, pursuant to section 55(1) of the *Act*.

### Conclusion

I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

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 11, 2017

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Residential Tenancy Branch