



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding H&M REMPEL
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

Pursuant to the *Residential Tenancy Act* ("the Act"), this hearing was scheduled as a result of an application from the tenant to cancel the landlord's 1 Month Notice to End Tenancy for Cause under section 47.

The tenants/applicants did not attend although the 9:30am teleconference continued until 9:45 am. The landlord's representative attended this hearing and was given an opportunity to be heard, to present evidence and to make submissions.

With respect to the tenant's failure to attend this hearing, Rule 10.1 of the Rules of Procedure provides as follows:

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

In the absence of the tenants' participation in this hearing to support their application and given the evidence provided at this hearing, **I order the tenant's application dismissed without liberty to reapply.**

Issue(s) to be Decided

The tenants failed to attend, their application is dismissed.
Pursuant to section 55, is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord's representative testified that a 1 Month Notice to End Tenancy for Cause was served to both tenants on September 29, 2017 personally. She testified that she spoke to both tenants at the time of delivery of the 1 Month Notice. The landlord's 1 Month Notice was effective October 31, 2017. I accept

that the tenants were both duly served with the 1 Month Notice on September 29, 2017 as per the testimony of the landlord's representative.

Analysis

Section 55(1) of the *Act* reads as follows:

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.

Section 52 of the *Act* requires that any notice to end tenancy issued by a landlord 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.

I find the 1 Month Notice to End Tenancy for Cause issued by the landlord on September 29, 2017 complies with the requirements set out in Section 52.

As I have dismissed the tenant's application, **I find the landlord is, pursuant to section 55(1), entitled to an Order of Possession.**

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: January 2, 2018

Residential Tenancy Branch