



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CROSSROADS ENT. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNC

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

The tenant did not attend. The landlord attended the hearing via conference call and provided affirmed testimony. The landlord stated that she was served with the tenant's notice of hearing package and the submitted documentary evidence. The landlord stated that she was aware of the tenant's issues in the application for dispute.

I waited until 11 minutes past the start of the scheduled hearing time to allow both parties to attend and participate in the conference call hearing. The landlord stated that she wished to obtain an order of possession as a result of the unchallenged 1 Month Notice.

The landlord provided undisputed affirmed testimony that on November 29, 2017, the landlord served the tenant with the 1 Month Notice by posting it to the rental unit door. The 1 Month Notice sets out an effective end of tenancy date of December 31, 2017 and that it was being given as:

- the tenant or person permitted on the property by the tenant has:
 - significantly interfered with or unreasonably disturbed another occupant or the landlord.

The landlord stated that the details for issuing the 1 Month Notice revolve around a incident where the fire department attended in response to a fire alarm. The landlord stated that a fire was reported in the tenant's rental suite in which a jacket was on fire.

After extensive discussions the landlord was unable to provide sufficient details of how this fire was attributed to the tenant which resulted in the issuance of the 1 Month Notice.

Rule 7 of the Rules of Procedure provides that:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.2 Delay in the start of a hearing

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the tenant and in the absence of the tenant's participation in this hearing, I order the application dismissed without leave to reapply.

Pursuant to section 55 (1) of the Act the landlord is entitled to an order of possession when undisputed by the tenant. However, during the hearing the landlord after lengthy discussions, failed to justify the 1 Month Notice by providing sufficient details of the reason for cause. As a result the 1 Month Notice dated November 29, 2017 is set aside. The tenancy shall continue.

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: February 09, 2018

Residential Tenancy Branch