



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, ERP, OLC

### Introduction

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

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the One Month Notice) pursuant to section 47;
- an order to the landlord to make emergency repairs to the rental unit pursuant to section 33; and
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

The tenants did not attend this hearing, although I waited until 11:12 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord and their assistant attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord confirmed that they received the Application for Dispute Resolution (Application) on January 09, 2017. In accordance with section 89 of the *Act*, I find the landlord was duly served with the Application.

As the tenant disputed the One Month Notice on January 06, 2017, I find the tenant was duly served with the One Month Notice pursuant to section 88 of the *Act*.

The One Month Notice was not provided at the time of the hearing. I instructed the landlord to provide the One Month Notice to the Residential Tenancy Branch by the end of the business day after the date of the hearing. As service of the One Month Notice to the tenant is the reason that the tenant filed the Application for this hearing, I find that the tenant is not prejudiced in accepting the One Month Notice as late evidence.

The landlord did submit a copy of the One Month Notice by the deadline noted above. As such, I have considered this documentary evidence.

### Background and Evidence

A copy of the landlord's signed December 27, 2017, One Month Notice was entered into evidence with an effective date of January 28, 2018.

### Analysis

Rules 7.1 and 7.3 of the Rules of Procedure provides as follows:

**Commencement of the hearing** - The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing 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 any evidence or submissions from the applicant, I order the application dismissed without liberty to reapply.**

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

*If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,*

- (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 One Month Notice complies with section 52 of the *Act*. Based on my decision to dismiss the tenants' Application and in accordance with section 55(1) of the *Act*, I find the landlord is entitled to a two (2) day Order of Possession.

### Conclusion

I dismiss the tenants' Application, without leave to reapply.

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant or any occupant on the premises 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: February 28, 2018

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Residential Tenancy Branch