



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the one month Notice to End Tenancy dated January 2, 2018.

The applicant failed to contact the telephone bridge number at the scheduled time for the hearing. A representative of the respondent was present and ready to proceed. The telephone line remained open while the phone system was monitored for ten minutes. The applicant failed to appear. I then proceeded with the hearing in the absence of the applicant.

Rule 7.3 of the Rules of Procedure provides as follows:

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.

I find that the one month Notice to End Tenancy was served on the Tenant by posting on January 2, 2018. I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issue to be decided is whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated January 2, 2018?

Background and Evidence:

The tenancy began on October 15, 2017 when the parties signed a fixed term written tenancy agreement that was to end on September 30, 2018. The tenancy agreement provided that the tenant(s) would pay rent of \$1350 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$675 on October 13, 2018. .

The tenant failed to pay the rent for the months of February 2018 and March 2018.

Grounds for Termination:

The Notice to End Tenancy identifies the following grounds:

- Tenant or a person permitted on the property by the tenant has:
 - significantly interfered with or unreasonably disturbed another occupant or the landlord
 - seriously jeopardized the health or safety or lawful right of another occupant or the landlord

Analysis:

After carefully considering all of the evidence I determined that the landlord has established sufficient cause to end the tenancy. The tenant failed to attend the hearing and on that basis her application should be dismissed without leave to re-apply. Further I determined the landlord has sufficient cause on the merits. The landlord produced evidence of 9 noise and disturbance complaints prior to the date of the Notice. On one occasion the tenant assisted a person who was prohibited from accessing the property by a restraining order and the police were called. As a result I dismissed the tenant's application to cancel the Notice to End Tenancy without leave to re-apply.. I order that the tenancy shall end on the date set out in the Notice.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession on 2 days notice. .

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on the parties.

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: March 07, 2018

Residential Tenancy Branch