



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Northern Apartments RPM Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC; FF

Introduction

This is the Tenant's Application for Dispute Resolution seeking to cancel a One Month Notice to End Tenancy for Cause issued January 9, 2018 (the "Notice") and to recover the cost of the filing fee from the Landlord.

This matter was scheduled to be heard by teleconference at 11:00 a.m., March 16, 2018. The Landlord's agents attended the conference on time and were ready to proceed. The Tenant, or an agent or advocate for the Tenant, did not attend the Hearing which was open and monitored for 13 minutes. Therefore, further to the provisions of Rule 7.3 of the Rules of Procedure, the Tenant's Application was dismissed without leave to reapply.

The Landlord's agent SA asked for an Order of Possession. She gave affirmed testimony.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

This tenancy began on December 1, 2017. Monthly rent is \$1,248.00, due on the first day of each month. The Tenant paid a security deposit in the amount of \$600.00.

A copy of the Notice was provided in evidence. The Landlord's agent SA testified that she posted the Notice to the Tenant's door on January 9, 2018. She stated that the Tenant is still occupying the rental unit.

Analysis

Section 55 of the Act provides:

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.

I find that the Notice complies with Section 52 of the Act. Further to Section 90 of the Act, I find that the Tenant was deemed to have received the Notice on January 12, 2018. Therefore, pursuant to the provisions of Section 47(2) of the Act, I find the effective date of the Notice was February 28, 2018.

I have dismissed the Tenant's application and therefore, further to the provisions of Section 55 of the Act, I hereby provide the Landlord with an Order of Possession.

Conclusion

The Tenant's Application is dismissed without leave to reapply.

The Landlord is hereby provided with an Order of Possession effective **2 days after service of the Order upon the Tenant**. This Order is enforceable in 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: March 19, 2018

Residential Tenancy Branch