



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act (the “Act”) to cancel a One Month Notice to End Tenancy for Cause (the “Notice”), issued on February 28, 2018.

This matter was set for hearing by telephone conference call at 2:00 pm on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenant did not attend the hearing by 2:10 pm, and the landlord appeared and was ready to proceed, I dismiss the tenant’s application without leave to reapply.

Section 55(1) of the Act states:

Order of possession for the landlord

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.

As I have dismissed the tenant’s application, pursuant to section 55 of the Act I must grant the landlord an order of possession of the rental unit.

I have review the notice to end tenancy, I find the notice complies with section 52 of the Act; however, the effective date in the Notice is earlier than the Act allows. Therefore, I amend the effective date to March 31, 2018, pursuant to section 53 and 68 of the Act. I find the tenancy legally ended on March 31, 2018 and the tenant is now overholding the premise.

Therefore, I find that the landlord is entitled to an order of possession effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court. The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

Conclusion

The tenant failed to appear. The tenant's application is dismissed without leave to reapply. The landlord is granted an order of possession.

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: April 05, 2018

Residential Tenancy Branch