



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This teleconference hearing was scheduled in response to an Application by the Tenant to cancel a One Month Notice to End Tenancy (the "One Month Notice").

The hearing was scheduled for 11:00 am on May 7, 2018. An agent for the Landlord called into the hearing, while no one called in for the Tenant. The conference call line remained open for approximately 11 minutes before the call was ended.

Issue(s) to be Decided

Should the One Month Notice to End Tenancy be set aside?

Background and Evidence

As the One Month Notice was not submitted to the Residential Tenancy Branch as evidence prior to the hearing, I requested that the Landlord submit this after the hearing for my review.

In accordance with rule 3.19 of the Rules of Procedure, an Arbitrator may provide direction on requesting late evidence. The One Month Notice was requested as it is essential to the matter at hand. The Landlord submitted this in evidence following the hearing.

Analysis

Rule 7.3 of the Rules of Procedure states that if a party does not attend the hearing, the hearing may proceed without that party or the application may be dismissed with or

without leave to reapply. As the Applicant did not attend the hearing, I dismiss the Tenant's application without leave to reapply.

I refer to Section 55 of the *Act*:

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.

In reviewing the One Month Notice that was sent in after the hearing, I find that it meets the requirements of Section 52 of the *Act*. As I am also dismissing the Tenant's Application due to not attending the hearing, an Order of Possession will be issued to the Landlord in accordance with Section 55 of the *Act* and will be effective on May 31, 2018 at 1:00 pm.

Conclusion

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

I grant an Order of Possession to the Landlord effective **May 31, 2018 at 1:00 pm**. This Order must be served on the Tenant and 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: May 07, 2018

Residential Tenancy Branch