



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC MT LRE

Introduction

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

- cancellation of a One Month Notice to End Tenancy For Cause (the One Month Notice), pursuant to section 47;
- more time to make an application to cancel the landlord's One Month Notice pursuant to section 66;
- authorization to change the locks and/or to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70.

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 10:45 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 10:00 a.m. This was the tenant's application so the tenant would have been provided with the Notice of Hearing at the time of submitting his application. The landlord attended the hearing and was given a full opportunity to provide affirmed testimony, to present evidence and to make submissions.

The landlord testified that they were not served with the tenant's application for dispute resolution and only became aware of the Hearing through communications with the Residential Tenancy Branch.

Issues

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on January 15, 2018 with a monthly rent of \$700.00 payable on the 1st day of each month. The tenant was served with the One Month Notice on February 11, 2018. The tenant filed this application to dispute the Notice on February 23, 2018.

Analysis

Section 55(1) of the *Act* states that if a tenant applies to dispute a landlord's notice to end tenancy and their Application for Dispute Resolution is dismissed or the landlord's notice is upheld the landlord must be granted an order of possession if the notice complies with all the requirements of Section 52 of the *Act*.

As the tenant failed to participate in this hearing scheduled to be heard in response to his own application, the tenant's application is dismissed in its entirety without leave to reapply.

I find that the Notice served by the landlord is in compliance with the form and content requirements of section 52 of the *Act*; therefore, the landlord is entitled to an Order of Possession pursuant to section 55 of the *Act*.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant(s) 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: May 08, 2018

Residential Tenancy Branch