



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

On April 13, 2018, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") asking to cancel a 1 Month Notice to End Tenancy for Cause dated April 13, 2018, ("the 1 Month Notice")

The matter was scheduled as a teleconference hearing. The Landlord attended the hearing; however, the Tenant did not.

The hearing process was explained to the Landlord and she was asked if she had any questions. The Landlord provided affirmed testimony and was provided the opportunity to present evidence orally and in written and documentary form, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

- Is the Landlord entitled to an order of possession for the rental unit?

Background and Evidence

The Landlord testified that the tenancy commenced on July 23, 2017. Rent in the amount of \$795.00 is to be paid to the Landlord by the first day of each month. The Tenant paid a security deposit of \$447.50 to the Landlord.

The Landlord served a 1 Month Notice To End Tenancy For Cause to the Tenant on April 3, 2018. The Landlord posted the 1 Month Notice on the Tenant's door. The Landlord provided a copy of the 1 Month Notice.

The Landlord selected the following reason for ending the tenancy in the 1 Month Notice:

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.*

The Notice provides information for Tenants who receive the Notice. The Notice states that a Tenant has the right to dispute the Notice within 10 days after receiving it by filing an Application for Dispute Resolution at the Residential Tenancy Branch. If a Tenant does not file an Application within 10 days, the Tenant is presumed to accept the Notice and must move out of the rental unit or vacate the site by the date set out on page 1 of the Notice. If the Tenant does not file an Application, move or vacate, the Landlord can apply for an Order of Possession that is enforceable through the court.

The Tenant disputed the 1 Month Notice on April 13, 2018, within the required timeframe. The Tenant served the Landlord with the Notice of Hearing documents; however, the Tenant failed to attend the hearing.

The Landlord submitted that the Tenant has paid the rent for June 2018.

The Landlord is requesting an order of possession for the rental unit effective for the end of June 2018.

Analysis

Based on the above, the testimony and evidence of the Landlord, and on a balance of probabilities, I find as follows:

The Tenant applied for Dispute Resolution to cancel a 1 Month Notice to End Tenancy but failed to attend the hearing. Therefore, I dismiss the Tenant's Application to cancel the 1 Month Notice To End Tenancy For Cause dated April 3, 2018.

Under section 55 of the Act, when a Tenants application to cancel a notice to end tenancy is dismissed and I am satisfied that the notice complies with the requirements

under section 52 regarding form and content, I must grant the Landlord an order of possession.

I find that the 1 Month Notice issued by the Landlord meets the requirements for form and content.

I find that the Landlord is entitled to an order of possession effective no later than 1:00 pm on June 30, 2018, after service on the Tenant. This order of possession may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The Tennant disputed a 1 Month Notice To End Tenancy For Cause dated April 3, 2018, but failed to attend the hearing.

The Tenant's application to cancel the 1 Month Notice To End Tenancy For Cause dated April 3, 2018, is dismissed.

The Landlord is granted an order of possession for the rental unit effective no later than 1:00 pm on June 30, 2018, after service on the Tenant.

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: June 13, 2018

Residential Tenancy Branch