



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This decision pertains to the Tenant's application for dispute resolution made on May 18, 2018, under the *Residential Tenancy Act* (the "Act"). The Tenant sought an order cancelling a One Month Notice to End Tenancy for Cause (the "Notice").

The Landlord attended the hearing before me and was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The Tenant did not attend.

While I have reviewed all oral and documentary evidence submitted, only relevant evidence pertaining to the issues of this application is considered in my decision.

I note that section 55 of the Act requires that when a tenant applies for dispute resolution seeking to cancel a notice to end tenancy issued by a landlord, I must consider if the landlord is entitled to an order of possession if the Application is dismissed and the landlord has issued a notice to end tenancy that is compliant with the Act.

### Issues to be Decided

1. Is the Tenant entitled to an order cancelling the Notice?
2. If the Tenant is not entitled to an order cancelling the Notice, is the Landlord entitled to an order of possession pursuant to section 55 of the Act?

### Background and Evidence

The hearing commenced at 9:30 a.m. on July 6, 2018. The Landlord was on the line. After waiting ten minutes, service of the Notice was confirmed by the Landlord. The Notice was served on the Tenant, in-person, by the Landlord's brother "G.V." on May 9, 2018, with an effective date of June 9, 2016.

The hearing concluded at 9:41 a.m. after I advised the Landlord that I would be issuing an order of possession of the rental unit, and I confirmed his email address to which the Decision and the Order would be sent.

The Tenant did not attend the hearing.

### Analysis

As the Tenant did not attend the hearing, I dismiss the Tenant's application for an order cancelling the Notice.

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.

Section 52 of the Act requires that any notice to end tenancy issued by a landlord must (1) be signed and dated by the landlord, (2) give the address of the rental unit, (3) state the effective date of the notice, (4) state the grounds for ending the tenancy, and (5) be in the approved form.

I have reviewed the One Month Notice to End Tenancy for Cause issued by the landlord on May 9, 2018, and find that it complies with the requirements as set out in section 52.

Given the above, I hereby uphold the Landlord's Notice and grant an order of possession of the rental unit to the Landlord.

### Conclusion

I dismiss the Tenant's application without leave to reapply.

**The Landlord is entitled to an order of possession effective two days from the date on which the order is served on the Tenant, pursuant to section 55(1) of the Act. This order may be filed in 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 Act.

Dated: July 6, 2018

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Residential Tenancy Branch