



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CBA Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, RP, FFT

Introduction

This decision pertains to the tenant's application for dispute resolution made on September 14, 2018, under the *Residential Tenancy Act* (the "Act"). The tenant sought the following remedies under the Act:

1. an order cancelling a One Month Notice to End Tenancy for Cause (the "Notice"), pursuant to section 47(4) of the Act;
2. an order that the landlord provide regular repairs, pursuant to sections 32 and 62(3) of the Act; and,
3. an order for compensation for recovery of the filing fee, pursuant to section 72(1) of the Act.

The landlord's two agents attended the hearing before me and were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses. The tenant did not attend.

I confirmed with the landlord's agents that the tenant is the only party listed as a tenant on the tenancy agreement. As such, I remove the tenant's minor child's name from the style of cause in this decision.

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, 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?
3. Is the tenant entitled to an order that the landlord provide regular repairs?
4. Is the tenant entitled to an order for compensation for recovery of the filing fee?

Background and Evidence

The hearing commenced at 11:00 A.M. on October 30, 2018. Two agents for the landlord were on the line and in the hearing. After waiting approximately eight minutes, I confirmed service of the Notice with the landlord's agents.

The Notice was issued and served in-person on the tenant by the agent I.T. on September 7, 2018, with an effective end of tenancy date of October 31, 2018. The Notice indicates that it was served on the door, but the landlord's agent clarified that they had difficulty sticking it to the door and ended up serving it on the tenant in-person at that time on that date.

The hearing concluded at 11:10 A.M. after I advised the landlord's agents that I would be issuing an order of possession of the rental unit, and I confirmed the landlord's email address to which the Decision and the Order would be sent.

Analysis

As the tenant did not attend the hearing, I dismiss her application in its entirety without leave to reapply.

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 September 7, 2018 and find that it complies with the requirements as set out in section 52 of the Act.

Given the above, I 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 in its entirety without leave to reapply.

I hereby grant the landlord an order of possession which is 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 final and binding, unless otherwise permitted under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: October 30, 2018

Residential Tenancy Branch