



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction, Preliminary Matters and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution ("application") under the *Residential Tenancy Act* ("Act") seeking to cancel a 1 Month Notice to End Tenancy for Cause dated August 16, 2018 ("1 Month Notice").

The landlord attended the teleconference hearing. The hearing was by telephone conference call and began promptly as scheduled at 11:00 a.m. on this date, October 12, 2018 as per the Notice of a Dispute Resolution Hearing provided to the tenant dated August 30, 2018 ("Notice of Hearing"). The line remained open while the phone system was monitored for 12 minutes and the only participant who called into the hearing during this time was the landlord.

The tenant did not attend this hearing, although I left the teleconference hearing connection open for 12 minutes as indicated above. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord confirmed their email address at the outset of the hearing. The landlord confirmed their understanding that the decision would be emailed to them and would include any applicable orders. The tenant will be sent the decision by regular mail.

The landlord testified that the tenant has paid for use and occupancy for the month of October 2018. The landlord has not reinstated the tenancy.

After the standard 10 minute waiting period, the tenant's application was **dismissed in full, without leave to reapply**. Section 55 of the *Act* applies and states:

Order of possession for the landlord

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.**

[My emphasis added]

As I have reviewed the 1 Month Notice and find that it complies with section 52 of the *Act*, and pursuant to section 55 of the *Act*, I grant the landlord an order of possession effective **October 31, 2018 at 1:00 p.m.** I find it is not necessary to consider the merits of the 1 Month Notice as the tenant failed to attend the hearing.

The effective date listed on the 1 Month Notice was September 30, 2018 which has passed. I find the tenancy ended on September 30, 2018 as a result.

Conclusion

The tenant's application is dismissed in full, without leave to reapply.

The tenancy ended on September 30, 2018. The landlord has been granted an order of possession effective October 31, 2018 at 1:00 p.m. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

The decision and order of possession will be emailed to the landlord and will be sent by regular mail to the tenant.

This decision is final and binding on the parties, except as otherwise provided 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 *Residential Tenancy Act*.

Dated: October 12, 2018

Residential Tenancy Branch