



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution (the “Application”) that was filed by the Tenant under the *Residential Tenancy Act* (the “Act”), seeking cancellation of a One Month Notice to End Tenancy for Cause (the “One Month Notice”).

I note that section 55 of the *Act* requires that when a tenant submits an Application 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 section 52 of the *Act*.

The hearing was convened by telephone conference call and was attended by the agent for the Landlord (the “Agent”), who provided affirmed testimony. Although the line remained open while the phone system was monitored for 10 minutes, the Applicant, who is the Tenant, did not appear. The Agent testified that the name of the Landlord listed in the Tenant’s Application is incorrect and provided me with the correct name. The Application and the Residential Tenancy Branch records were updated accordingly.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure (the “Rules of Procedure”) states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. As the Agent and I attended the hearing on time and ready to proceed and there was no evidence before me that the parties had agreed to reschedule or adjourn the matter, I commenced the hearing as scheduled at 11:00 A.M. on September 20, 2018. Rule 7.3 of the Rules of Procedure states that if a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to reapply. As a result, and pursuant to rule 7.3 of the Rules of Procedure, I dismiss the Tenant’s Application without leave to reapply.

Having made the above finding, I will now turn my mind to the matter of whether the Landlord is entitled to an Order of Possession pursuant to section 55 of the *Act*. As the One Month Notice in the documentary evidence before me is signed and dated by an

agent for the Landlord, contains the address for the rental unit and the effective date of the notice, states the reason for ending the tenancy and is in the approved form, I find that it complies with section 52 of the *Act*. As a result, I find that the Landlord is therefore entitled to an Order of Possession pursuant to section 55 of the *Act*. As the effective date of the One Month Notice has passed and the Agent stated that rent has been paid in full for September, 2018, the Order of Possession will be effective at 1:00 P.M. on September 30, 2018.

### Conclusion

The Tenant's Application is dismissed without leave to reapply.

Pursuant to section 55 of the *Act*, I grant an Order of Possession to the Landlord effective at **1:00 P.M. on September 30, 2018**, after service of this Order on the Tenant. The Landlord is provided with this Order in the above terms and the Tenant must be served with this Order as soon as possible. Should the Tenant fail to comply with this Order, this Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: September 20, 2018

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Residential Tenancy Branch