



Dispute Resolution Services

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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*.

This matter was set for hearing by telephone conference call at 11:00 A.M. (Pacific Time) on September 21, 2018. Although legal counsel for the Landlord and I attended the hearing on time and ready to proceed, the Tenant did not attend. The line remained open while the phone system was monitored for 11 minutes; however, neither the Applicant nor an agent acting on their behalf appeared.

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 legal counsel for the respondent 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 21, 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 neither the Tenant nor an agent acting on their behalf attended the hearing to provide any evidence or testimony for my consideration, I therefore dismiss the Tenant’s Application without leave to reapply pursuant to rule 7.3 of the Rules of Procedure.

Legal counsel for the Landlord stated that the Landlord wishes to receive an Order of Possession as the Tenant and/or her subtenants, remain in possession of the rental unit

and the keys and access devices which grant access to the rental unit and the building in which it is located.

Having dismissed the Tenant's Application seeking cancellation of the One Month Notice, I will now turn my mind to whether the Landlord is entitled to an Order of Possession pursuant to section 55 of the *Act*. As the One Month Notice is signed and dated by an agent for the Landlord, gives 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 entitled to an Order of Possession for the rental unit pursuant to section 55 of the *Act*. As the effective date of the One Month Notice has passed and legal counsel for the Landlord stated that they assume rent for September has been paid, the One Month Notice will be effective at 1:00 P.M. on September 30, 2018.

At the request of the Landlord's legal counsel, copies of the decision and the Order of Possession will be e-mailed to them at the e-mail address provided in the hearing.

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 21, 2018

Residential Tenancy Branch