



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNL

### **Introduction:**

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the two month Notice to End Tenancy dated September 18, 2018. The grounds set out in the Notice to End Tenancy provide that "The rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, or child) of the landlord or the landlord's spouse."

The tenant Applicant failed to appear at the scheduled start of the hearing which was 9:30 a.m. on November 16, 2018. The landlord and the landlord's witness were present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The tenant(s) failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

I find that the 2 month Notice to End Tenancy was served on the Tenant by mailing, by registered mail to where the Tenant resides.

The Applicant lives in the rental property with two other tenants. The landlord served a two month Notice to End Tenancy on the Applicant and a second two month Notice to End Tenancy on the other two tenants on the advice the Residential Tenancy Branch information officer. The other two Tenants have filed an Application for Dispute Resolution to dispute the 2 month Notice to End Tenancy that is set for hearing on November 19, 2018 before another arbitrator. The landlord testified there was a previous arbitration hearing in which the arbitrator determined that all three are Tenants.

### **Analysis:**

Rule 7.3 of the Rules of Procedure provides as follows:

### **7.3 Consequences of not attending the hearing**

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 re-apply.

The Applicant Tenant failed to appear. The Respondent and his witness were present and ready to proceed. I accept the testimony of the landlord that he has a good faith intention to move into the rental unit. I ordered the application dismissed without liberty to reapply. The tenancy between the landlord and the Applicant will end on the date set out in the 2 month Notice to End Tenancy.

#### Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession effective November 30, 2018.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

**This decision is final and binding on the parties.**

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: November 16, 2018

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Residential Tenancy Branch