



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

On November 8, 2018, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* ("The Act") seeking to cancel a One Month Notice to End Tenancy for Cause dated October 28, 2018, ("The One Month Notice").

The hearing was scheduled for 11:00 am on December 17, 2018, as a teleconference hearing. Only the Landlord appeared at the hearing. No one called in for the Tenant. The conference call line remained open and was monitored for 11 minutes before the call ended.

Issues to be Decided

- Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord provided undisputed testimony stating that he witnessed the Tenant move out of the rental unit earlier in the month of December 2018, and no longer occupies the suite. The Landlord indicates that the Tenant still has the keys to the suite.

Analysis

Rule 7.3 of the Rules of Procedure states that if a party does not attend the hearing, the hearing may proceed without that party or the application may be dismissed with or without leave to reapply. As the Applicant did not attend the hearing, I dismiss the Tenant's application without leave to reapply.

I refer to Section 55 of the *Act*.

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.

In reviewing the One Month Notice submitted, I find that it meets the requirements of Section 52 of the *Act*. As I have dismissed the Tenant's Application for failing to attend the hearing, I grant an Order of Possession to the Landlord in accordance with Section 55 of the *Act* effective two days after its service.

Conclusion

The Tennant failed to attend the hearing to pursue his application to cancel a 1 Month Notice To End Tenancy For Cause dated October 28, 2018. The Tenants application is dismissed.

The Landlord is granted an Order of Possession effective two days after service on the Tenant. Should the Tenant fail to comply with this Order the Order may be enforced as an Order of the Supreme Court of British Columbia.

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: December 17, 2018

Residential Tenancy Branch