



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Firstline Investment Group/RPM Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, MT

Introduction

This hearing was scheduled for 11:00 a.m. on this date, via teleconference call, to deal with the tenant's application to cancel a 1 Month Notice to End Tenancy for Cause and more time to file the application. The landlord's agents appeared at the hearing; however, there was no appearance on part of the tenants despite leaving the teleconference call open at least 10 minutes to permit the tenants the opportunity to appear. I confirmed that the Notice of Dispute Resolution Proceeding provided to the tenants contained the correct telephone number and passcode.

Since the landlord was represented and was prepared to respond to this application, given the tenants failure to appear for their hearing, I dismissed the tenant's application without leave to reapply.

The landlord's agent pointed out the landlord's name, as it appears on the tenant's application, is incorrect. I amended the style of cause to reflect the landlord's name as it appears on the 1 Month Notice to End Tenancy for Cause.

The landlord's agents requested an Order of Possession effective January 31, 2019 in recognition the tenants paid for use and occupancy of the rental unit for the month of January 2019.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

In filing their Application for Dispute Resolution the tenants provided a copy of the 1 Month Notice to End Tenancy for Cause that was the subject of this proceeding. The 1 Month Notice is in the approved form, is duly completed and signed by the landlord, and has an effective date of December 31, 2018.

Analysis

Section Section 55(1) of the Act provides as follows:

- 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 this case, I have dismissed the tenant's application to cancel the 1 Month Notice to End Tenancy for Cause. Upon review of the 1 Month Notice provided to me by the tenants, I am satisfied that it meets the form and content requirements of section 52 of the Act. Accordingly, I find the criteria of section 55(1) have been met and the landlord is entitled to an Order of Possession.

In recognition the tenants paid for use and occupancy of the rental unit for the month of January 2019, I provide the landlord with an Order of Possession effective at 1:00 p.m. on January 31, 2019.

Conclusion

The tenant's application has been dismissed without leave to reapply.

The landlord is provided an Order of Possession effective at 1:00 p.m. on January 31, 2019 to serve and enforce upon the tenants.

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: January 10, 2019

Residential Tenancy Branch