



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT INC.  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      CNC

### **Introduction**

This hearing was convened in response to an application by the tenant to cancel a 1 Month Notice to End Tenancy for Cause (Notice to End) dated December 07, 2018 with an effective date of January 31, 2019.

The applicant tenant was provided with a copy of the Notice of a Dispute Resolution Hearing after filing their application on December 13, 2018. The tenant, however, did not attend the hearing set for today at 11:00 a.m. The phone line remained open for no less than ten minutes and was monitored throughout this time. The only parties to call into the hearing were the 3 representatives for the respondent landlord. At the outset of the hearing the landlord stated they and the tenant had arrived at agreement in respect to an end to the tenancy.

Following the ten minute waiting period, the application of the tenant was **dismissed, without leave to reapply.**

### **Issues(s) to be Decided**

Is the landlord entitled to an Order of Possession pursuant to the provisions of Section 55(1) of the Act?

### **Background and Evidence**

The relevant 1 Month Notice to End Tenancy for Cause was submitted into evidence by both parties.

### **Analysis**

**Section 55(1)** of the Act states that if I dismiss the tenant's application or uphold the landlord's Notice to End I must grant the landlord an Order of Possession if the landlord's Notice to End tenancy complies with Section 52 *[form and content of notice to end tenancy]* of the Act. I find the landlord's Notice to End complies with the form and content required by **Section 52** of the Act and in that respect is valid. Therefore, having dismissed the tenant's application I must grant the landlord an Order of Possession.

Pursuant to the effective date of the Notice to End,

**I grant** the landlord and they are given an Order of Possession **effective January 31, 2019**. The tenant must be served with this Order of Possession however it must be known that the landlord has some discretion as to when they serve the Order. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

### **Conclusion**

The Tenant's application is **dismissed**, without leave to reapply.

The landlord is given an Order of Possession in the above terms.

**This Decision is final and binding.**

*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 22, 2019

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Residential Tenancy Branch