



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REMAX LITTLE OAK REALTY PROP
MAN. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL-4M, OLC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act (the “Act”), to cancel Four Month Notice to End Tenancy for Demolition, Renovation, Repairs or Conversion of the Rental Unit (the “Notice”) issued on March 15, 2019, to have the landlord comply with the Act, and to recover the cost of the filing fee.

Only the landlord’s agent appeared.

This matter was set for hearing by telephone conference call at 11:00 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord’s agent. Therefore, as the tenant did not attend the hearing by 11:10 A.M, and the landlord’s agent appeared and was ready to proceed.

In this case, the tenant made an application to dispute the Notice. I find it is reasonable to conclude that in the absence of the tenant that they are no longer disputing the merits of the Notice. Therefore, I dismiss the tenant’s application to cancel the Notice without leave to reapply, as any future application to cancel the Notice would be outside the statutory time limits.

Since I have dismissed the tenant’s application, I find it is not necessary to consider the merits of the Notice. However, I find that I must consider whether the landlord has met the statutory requirements under the Act to end the tenancy.

I accept the evidence of the landlord's agent that the Notice was completed in accordance with Part 4 of the Act - How to End a Tenancy, pursuant to section 49 of the Act. A copy of the Notice was filed in evidence for my review and consideration.

I find the Notice was completed in the approved form and the contents meets the statutory requirements under section 52 the Act.

Further, I accept the evidence of the landlord's agent that the tenant was served with the Notice in compliance with the service provisions under section 88 of the Act, which the tenant acknowledged service of the Notice in their application.

I am satisfied based on the evidence of the landlord's agent that the landlord has met the statutory requirements under the Act to end a tenancy.

Since I have dismissed the tenant's application to cancel the Notice, and I have found the landlord has met the statutory requirements under the Act to end the tenancy. I find the landlord is entitled to an order of possession pursuant to section 55 of the Act.

Therefore, I find that the landlord is entitled to an order of possession **effective July 31, 2019 at 1:00 P.M.** This order must be served on the tenant and may be filed in the Supreme Court.

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: May 30, 2019

Residential Tenancy Branch