



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** CNL, FF

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for landlord's use of property and for the recovery of the filing fee.

This matter was set for a conference call hearing on this date at 11:00 am. Despite having made application for dispute resolution, as of 11:10 a.m. the applicant/tenant had not called into the conference call. The respondent/landlord called in.

### **Analysis:**

Since the applicant did not call into the conference call, his application is dismissed without leave to reapply. Accordingly, the notice to end tenancy is upheld. The effective date of the notice is June 01, 2019.

Section 55 of the *Residential Tenancy Act* addresses an order of possession for the landlord and states:

#### **Order of possession for the landlord**

**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 find that the landlord served the tenant with a notice to end tenancy that complies with section 52 (form and content of notice to end tenancy). Since the tenant did not attend the hearing, I have dismissed the tenant's application for dispute resolution and have upheld the notice to end tenancy.

Under the provisions of section 55, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. The tenant must be served with the order of possession. 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 notice to end tenancy is upheld and I grant the landlord an order of possession effective at 1:00 pm on June 01, 2019.

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 13, 2019

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Residential Tenancy Branch