



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

### Introduction

On May 3, 2019, 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 April 25, 2019.

This matter was set for hearing by telephone conference call at 9:30 AM on this date. The Landlord appeared at the hearing; however, the tenant did not. The line remained open while the phone system was monitored for ten minutes and the tenant did not call into the hearing during this time. Therefore, as the Applicant did not attend the hearing by 9:40 AM, I dismiss the Tenants application to cancel the One Month Notice To End Tenancy For Cause dated April 25, 2019.

### Issue

- Is the Landlord entitled to an order of possession for the rental unit?

The Landlord testified that he served the Tenant a One Month Notice To End Tenancy For Cause dated April 25, 2019, in person at the rental unit on April 28, 2019.

The One Month Notice provides information for Tenants who receive the Notice. The Notice states that a Tenant has the right to dispute the Notice within 10 days after receiving it by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

The Tenant applied for Dispute Resolution to dispute the One Month Notice but did not appear at the hearing.

The Landlord testified that the Tenant is still living in the rental unit and has not paid the rent for two months. The Landlord requested an order of possession for the rental unit.

### Analysis

Based on the above, the testimony and evidence of the Landlord, and on a balance of probabilities, I find as follows:

The Tenant applied for Dispute Resolution to cancel a One Month Notice to End Tenancy but failed to attend the hearing. I dismiss the Tenant's Application to cancel the One Month Notice To End Tenancy For Cause dated April 25, 2019.

Under section 55 of the Act, when a Tenants application to cancel a Notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

I find that the One Month Notice issued by the Landlord meets the requirements for form and content.

I find that the Landlord is entitled to an order of possession effective two (2) days after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

### Conclusion

The Tenant failed to attend the hearing. The Tenant's application to cancel the One Month Notice is dismissed. The Landlord is granted an order of possession effective two (2) days after service on the Tenant.

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: June 17, 2019

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Residential Tenancy Branch