



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, OT

### 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 obtain an Order of Possession for the rental unit. The tenant did not appear at the hearing; however, an agent appeared for the landlord. I confirmed that the correct dial-in instructions were provided on the Notice of Hearing and that the only participants to have connected to the teleconference call were the landlord's agent and me.

The landlord's agent requested the style of cause be amended to reflect the name of the landlord as it appears on the Notice to End Tenancy rather than the individual agent who signed the Notice to End Tenancy. I noted that the tenant had not provided me with a copy of the Notice to End Tenancy so I requested the landlord produce a copy during the hearing, which he did.

Upon review of the Notice to End Tenancy submitted by the landlord, I was satisfied it was consistent with a Notice to End Tenancy the tenant was seeking to cancel based on the tenant's submissions at the time of filing. I also noted the landlord's name as it appears on the Notice to End Tenancy and I amended the style of cause accordingly.

Since the tenant failed to appear for this hearing despite giving the tenant 15 minutes to appear, I dismissed his application in its entirety.

The landlord's agent testified that the tenant did not pay rent for July 2019 and has not been seen at the property since July 4, 2019 so the tenant may have already vacated or abandoned the property; however, the landlord seeks an Order of Possession in the event the tenant has not. Accordingly, I proceed to consider whether the landlord is entitled to an Order of Possession.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

I was provided a copy of a 1 Month Notice to End tenancy for Cause ("1 Month Notice") that is in the approved form. The 1 Month Notice is signed by an agent and is dated May 28, 2019 with an effective vacancy date of June 30, 2019. The remainder of the form is duly completed.

The tenant filed to dispute the 1 Month Notice; however, the tenant failed to appear for the hearing and I dismissed his Application.

Analysis

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. Upon review of the 1 Month Notice provided to me, 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.

Provided to the landlord with this decision is an Order of Possession effective two (2) days after service.

Conclusion

The tenant's application is dismissed without leave to reapply.

The landlord is provided an Order of Possession effective two (2) days after service upon 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: July 19, 2019

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Residential Tenancy Branch