



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding RE/MAX OF NANAIMO PROPERTY MANAGEMENT AS AGENT FOR  
THE OWNER  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was scheduled for 9:30 a.m. on this date, via teleconference call, to deal with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause dated June 26, 2019. The landlord's agents appeared for the hearing; however, there was no appearance on part of the tenant despite leaving the teleconference call open until 9:42 a.m. in order to give her the opportunity to appear. I confirmed that the correct dial-in information was contained on the Notice of Dispute Resolution Proceeding and that the landlord agents and I were the only persons to have connected to the teleconference call.

The landlord's agent confirmed that the tenant served her hearing package upon the landlord. The agent's assistant testified that she served the landlord's response and evidence to the tenant in person on August 8, 2019. The landlord's agent confirmed the tenant continues to occupy the rental unit and the landlord seeks an Order of Possession. Since the tenant failed to appear for her hearing and the landlord's agents appeared and were prepared to proceed with this matter, I dismissed the tenant's application without leave due to the tenant's failure to appear for the hearing.

Having dismissed the tenant's application, the only issue to determine is whether the landlord is entitled to an Order of Possession as provided under section 55(1) of the Act.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The tenant was served with a 1 Month Notice to End Tenancy for Cause in person on June 26, 2019 with a stated effective date of July 31, 2019 ("1 Month Notice"). The 1 Month Notice submitted by the tenant with her Application for Dispute Resolution is in the approved form and is duly completed. The tenant filed to dispute the 1 Month Notice within the permissible time limit; however, I have dismissed the tenant's application given her failure to appear for the hearing.

The landlord's agent testified the tenant continues to occupy the rental unit. The landlord's agent stated that, for the month of August 2019, a partial payment was received from social services that the landlord has accepted in partial satisfaction for use and occupancy for the month of August 2019.

### 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 upon the tenant.

### Conclusion

The tenant's application is dismissed without leave.

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: August 29, 2019

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Residential Tenancy Branch