



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

### Introduction, Preliminary Matters and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act") to cancel a 1 Month Notice to End Tenancy for Cause dated June 21, 2019 ("1 Month Notice").

The landlord and the spouse of the landlord attended the teleconference hearing. The tenant did not attend the hearing. The hearing was by telephone conference call and began promptly as scheduled at 9:30 a.m. on this date, August 19, 2019 as per the Notice of a Dispute Resolution Proceeding provided to the tenant dated June 28, 2019 ("Notice of Hearing"). The line remained open while the phone system was monitored for 13 minutes and the only participants who called into the hearing during this time was the landlord and the spouse of the landlord.

The landlord confirmed their email addresses at the outset of the hearing. The landlord confirmed that the tenant continues to occupy the rental unit. In addition, the landlord confirmed their understanding that the decision would be emailed to them and that any applicable orders would be emailed to the landlord. The tenant will be sent the decision by regular mail as an email address was not included in the tenant's application.

After the ten minute waiting period, the tenant's application was **dismissed in full, without leave to reapply**. Section 55 of the *Act* applies 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.**

[Emphasis added]

As I have reviewed the 1 Month Notice and find that it complies with section 52 of the *Act*, and pursuant to section 55 of the *Act*, I grant the landlord an order of possession effective **August 31, 2019 at 1:00 p.m.** as the landlord confirmed that the tenant has paid for use and occupancy of the rental unit for the month of August 2019. The effective date listed on the 1 Month Notice is August 31, 2019. I find the tenancy ends on August 31, 2019 at 1:00 p.m.

### Conclusion

The tenant's application has been dismissed in full, without leave to reapply.

The tenancy ends on August 31, 2019 at 1:00 p.m. The landlord has been granted an order of possession effective August 31, 2019 at 1:00 p.m. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, except as otherwise provided under the *Act*, and 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 19, 2019

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Residential Tenancy Branch