



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SOWINS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes Landlord: OPC FF
 Tenant: CNC

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “Act”).

The Landlord’s Application for Dispute Resolution was made on September 16, 2019 (the “Landlord’s Application”). The Landlord applied for the following relief, pursuant to the *Act*:

- an order of possession based on a One Month Notice to End Tenancy for Cause, dated August 1, 2019 (the “One Month Notice”); and
- an order granting recovery of the filing fee.

The Tenant’s Application for Dispute Resolution was also made on September 16, 2019 (the “Tenant’s Application”). The Tenant applied for an order cancelling a cancelling the One Month Notice, pursuant to the *Act*.

These matters were set for hearing by telephone conference call at 9:30 A.M. on November 19, 2019. The line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the Respondent’s agent, E.G. Therefore, as the Applicant did not attend the hearing by 9:40 A.M., and the Respondent’s agent appeared and was ready to proceed, I dismiss the Tenant’s Application without leave to reapply.

When a tenant's application to cancel a notice to end tenancy is dismissed and the notice complies with section 52 of the *Act*, section 55 of the *Act* requires that I grant an order of possession to the landlord. A copy of the One Month Notice was submitted into evidence. I find the One Month Notice complied with section 52 of the *Act*. Accordingly, pursuant to section 55 of the *Act*, I find the Landlord is entitled to an order of possession, which will be effective two (2) days after service on the Tenant.

In addition, I find it is appropriate in the circumstances to grant the Landlord a monetary award in the amount of \$100.00 in recovery of the filing fee paid to make the Landlord's Application. I order that this amount may be deducted from the security deposit held.

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: November 19, 2019

Residential Tenancy Branch