



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlord: OPR FF
Tenant: CNR

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on December 31, 2019. Both applications were scheduled to be heard at the same time.

The Landlord attended the hearing. However, the Tenant did not attend. The Landlord stated that the Tenant still occupies the rental unit and he is still seeking an order of possession. However, the Landlord stated that he did not serve his Notice of Hearing, his application or his evidence to the Tenant. As the Landlord did not sufficiently serve the Tenant (respondent) with his Notice of Hearing, and evidence, in accordance with the Rules of Procedure, I dismiss his application in full, without leave to reapply.

Next, I turn to the Tenant's application, which was scheduled to be heard at the same time as the Landlord's application, 11:00 AM Pacific Time on December 31, 2019. The line remained open while the phone system was monitored for 20 minutes and the only participant who called into the hearing during this time was the respondent Landlord who was ready to proceed. The Landlord testified that the Tenant continues to occupy the rental unit.

After waiting 20 minutes, 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.**

[My emphasis added]

Under section 55 of the *Act*, when a Tenant's 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, I must grant the Landlord an order of possession. Section 52 of the *Act* requires that any notice to end tenancy issued by a landlord must be signed and dated by the landlord, give the address of the rental unit, state the effective date of the notice, state the grounds for ending the tenancy, and be in the approved form.

I find that the Notice issued on November 3, 2019, by the Landlord meets the requirements for form and content and the Landlord is entitled to an order of possession, effective 2 days after service.

Conclusion

The Landlord's application is dismissed, in full, without leave, for failing to service his Notice of Hearing to the Tenant.

The Tenant's application has been dismissed in full, without leave to reapply as the Tenant failed to attend the hearing.

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: December 31, 2019

Residential Tenancy Branch