



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PACIFIC COVE PROPERTY MANAGEMENT  
LTD and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, OLC, RP,

### Introduction

On January 30, 2020 the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) seeking to cancel a One Month Notice to End Tenancy for Cause dated January 28, 2020 (“the One Month Notice”). The Tenant also applied for an order for the landlord to make repairs to the rental unit and requested that the Landlord comply with the Act, Regulation or tenancy agreement.

The matter was scheduled as a teleconference hearing. The Landlord appeared at the hearing; however, the Tenant did not.

The line remained open while the phone system was monitored for ten minutes and the tenant did not call into the hearing during this time. Therefore, as the Applicant did not attend the hearing by 9:40 am, I dismiss the claim without leave to reapply.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issue to be Decided

- Is the Landlord entitled to an order of possession for the rental unit?

### Background and Evidence

The Landlord served the One Month Notice to the Tenant on January 23, 2020. The Notice has an effective date (the date the Tenant must move out) of February 29, 2020.

The Landlord selected the following reason for ending the tenancy within the One Month Notice:

*Tenant or a person permitted on the property by the Tenant has:*

- *Significantly interfered with or unreasonably disturbed another occupant or the Landlord*
- *Seriously jeopardized the health or safety or lawful right of another occupant or the Landlord*

*Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written Notice to do so.*

In the One Month Notice, the Landlord provided the details of cause as follows:

*Three notices re: illegal dog in the apt. have been issued for dog to be removed. The dog is still in residence as of Jan 22, 2020.....The dog is not a Guide or Service dog.*

The One Month Notice provides information for Tenants who receive the Notice. The Notice provides that a Tenant has the right to dispute the Notice within 10 days after receiving it by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

The Tenant disputed the One Month Notice on January 30, 2020, within the required time period.

The Tenant failed to attend the hearing to pursue the dispute of the One Month Notice.

The Landlord testified that the Tenant moved out of the rental unit on March 16, 2020 and the Landlord does not require an order of possession for the rental unit.

### Analysis

The Tenant applied for Dispute Resolution to cancel a One Month Notice to End Tenancy but failed to attend the hearing. I find that the tenancy ended when the Tenant vacated the rental unit on March 16, 2020. Therefore, I dismiss the Tenant's Application to cancel the One Month Notice to End Tenancy for Cause dated January 23, 2020.

Under section 55 of the Act, when a Tenants 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 regarding form and content, I must grant the Landlord an order of possession.

I find that the One Month Notice issued by the Landlords meets the requirements for form and content.

The Landlord does not require an order of possession and an order of possession is not issued.

Conclusion

The Tenant failed to attend the hearing and moved out of the rental unit prior to the hearing. The Tenants application to cancel the One Month Notice is dismissed.

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: March 30, 2020

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Residential Tenancy Branch