



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act) seeking to cancel a 1 Month Notice to End Tenancy for Cause dated December 28, 2019 (1 Month Notice).

Landlord VD (landlord) attended the teleconference hearing. The hearing was by conference call and began promptly as scheduled at 11:00 a.m. Pacific Time on Thursday, March 5, 2020, as per the Notice of a Dispute Resolution Proceeding dated January 7, 2020 (Notice of Hearing). The line remained open while the phone system was monitored for 18 minutes and the only participant who called into the hearing during this time was the landlord who indicated they were ready to proceed. The landlord was affirmed and testified that the tenant continues to occupy the rental unit.

The landlord testified that the 1 Month Notice was personally served on the tenant on December 28, 2019, which is consistent with the details provided by the tenant on their application. The effective vacancy date listed on the 1 Month Notice as stated by the landlord was January 31, 2020. The landlord stated that the 1 Month Notice included four causes and provided a detail of those causes in the "Details of Dispute" section of the 1 Month Notice.

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

The landlord stated that money has been paid for use and occupancy of the rental unit for March 2020. Pursuant to section 55 of the Act, I grant the landlord an order of possession effective **March 31, 2020 at 1:00 p.m.** The order of possession must be served on the tenant.

During the hearing, the landlord stated that their surname was spelled incorrectly by the tenant. As a result and pursuant to section 64(3)(c) of the Act, I have amended the tenant's application to correct the spelling of the landlord's surname.

Conclusion

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

The landlord has been granted an order of possession effective March 31, 2020 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 will be emailed to the landlord and sent by regular mail to the tenant as described above. The order of possession will be emailed to the landlord for service on the tenant.

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: March 6, 2020

Residential Tenancy Branch