



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M, FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "*Act*") for:

- cancellation of the landlord's 4 Month Notice to End Tenancy for Demolition, Renovation or Conversion to Another Use (the "4 Month Notice") pursuant to section 49; and
- authorization to recover the filing fee from the landlord pursuant to section 72.

This matter was set for hearing by telephone conference call at 9:30 am on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent's agents. The phone lines were confirmed to be functioning normally. As this was the tenant's application they are expected to have full knowledge of the time and date of the hearing.

Rule of Procedure 7.3 provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

Therefore, as the applicant did not attend the hearing by 9:40 am, and the respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

Section 55 of the *Act* provides that:

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.

As I have dismissed the tenant's application, and I find that the 4 Month Notice complies with the form and content requirements of section 52 as it is signed and dated by the landlord, provides the address of the rental unit, the effective date of the notice, and the grounds for the tenancy to end, the demolition of the rental unit, I find that the landlord is entitled to an Order of Possession pursuant to section 55. I am satisfied with the evidence of the landlord by way of the letters from the municipality that they have all necessary approvals required by law to undertake the work. Accordingly, I issue an Order of Possession effective on the date of the 4 Month Notice, May 31, 2020.

Conclusion

The tenant's application is dismissed without leave to reapply.

I grant an Order of Possession to the landlords effective **12:00pm on May 31, 2020**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 18, 2020

Residential Tenancy Branch