



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, AAT, PSF, OLC, FFT

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on March 12, 2020, wherein the Tenant sought the following orders:

- an Order canceling a 1 Month Notice to End Tenancy for Cause issued on March 11, 2020 (the "Notice");
- an Order that the Landlord:
 - provide services or facilities as required by law;
 - comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, or the residential tenancy agreement.
- an Order permitting the Tenant and their guests access to the rental unit; and
- recovery of the filing fee.

The hearing of the Tenant's Application was set for hearing by telephone conference call at 11:00 a.m. 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 Landlord.

The Tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:10 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Landlord and I were the only ones who had called into this teleconference.

The Landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

Commencement of Hearing:

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

Consequences of not attending the hearing

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.

As the Applicant Tenant did not attend the hearing, and the Respondent Landlord appeared and was ready to proceed, I dismiss, without leave to reapply, the Tenant's claims as set out in his Application filed March 12, 2020. This includes dismissing his request that I cancel the Notice; as such, the tenancy shall end in accordance with the Notice.

Section 55 of the *Residential Tenancy Act* provides in part as follows:

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.

I have reviewed the Notice and confirm it complies with section 52 of the *Act*. Consequently, and as I have dismissed the Tenant's request that I cancel the Notice, the Landlord is entitled to an Order of Possession effective two days after service.

I am also satisfied, based on the Landlord's submissions, that she has cause to end this tenancy. She testified that the Tenant regularly leaves the stove on when he has fallen asleep after he has been smoking cannabis such that items on the stove burn and the

smoke detector regularly goes off. The Landlord resides in the upper unit and there are others who reside with the Tenant. I find, based on the Landlord's undisputed testimony and evidence, that the Tenant has seriously jeopardized the safety of other occupants and the Landlord and has put the Landlord's property at significant risk, such that this tenancy should end pursuant to section 47(1)(d)(ii) and (ii) of the *Act*.

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: May 07, 2020

Residential Tenancy Branch