



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC-MT, CNL-MT, OLC, RP, PSF, MNR, DRI, FF

Introduction, Preliminary and Procedural Matters

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") for:

- an order cancelling the One Month Notice to End Tenancy for Cause (Notice) issued by the landlord;
- an order cancelling the Two Month Notice to End Tenancy for Landlord's Use of Property (Notice) issued by the landlord;
- an order extending the time to file an application disputing the Notice issued by the landlord;
- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement;
- an order requiring the landlord to make repairs to the rental unit;
- an order requiring the landlord to provide for services or facilities required by the tenancy agreement or the Act;
- repayment for the costs of emergency repairs;
- to dispute a rent increase that is above the amount allowed by law; and
- recovery of the filing fee.

The hearing began as scheduled at 1:30 p.m., Pacific Time, on Tuesday, September 8, 2020, and the telephone system remained open and was monitored for 16 minutes. During this time, the applicant/tenant did not dial into the telephone conference call hearing; however, the landlord and the landlord's agent/interpreter were present and ready to proceed with the hearing.

During the hearing, the landlord's agent confirmed that the landlord wanted an order of possession for the rental unit due to the actions of the tenant as presented in their written evidence as well as the reasons listed on the Notice.

While waiting for the tenant to appear, the landlord's agent was affirmed and gave evidence in support of the landlord's Notice. The tenant provided a copy of the Notice, which was on the Residential Tenancy Branch (RTB) approved form with content meeting the statutory requirements under section 52 the Act. The Notice was dated July 8, 2020, with an effective move out date of August 31, 2020. The landlord's agent submitted without dispute that she served the Notice to the tenant by personal service on July 8, 2020, when she handed the tenant the document.

The landlord's agent said this matter originally convened on September 4, 2020 and she and the landlord attended; however, the arbitrator did not attend and the matter was re-scheduled for this date. The landlord's agent was unsure if the tenant attended as she stayed on hold for the conference call hearing.

Analysis

Rules 7.3 and 7.4 of the Rules of Procedure provides as follows:

7.3 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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, **in the absence of any evidence or submissions, I order the tenant's application dismissed.**

Given the above, pursuant to section 55(1) of the Act, I must grant an order of possession of the rental unit to the landlord.

I therefore grant the landlord an order of possession of the rental unit effective and enforceable two (2) days after service on the tenant. This order of possession of the rental unit is effective against all tenants living in the rental unit, due to the joint tenancy.

Should the tenants fail to vacate the rental unit pursuant to the terms of the order after being served, this order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court.

The tenants are advised that costs of such enforcement, including bailiff fees, are recoverable from the tenants.

Conclusion

The tenant's application is dismissed **without leave to reapply**. The landlord has met the statutory requirements to end the tenancy and is granted an order of possession.

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: September 8, 2020

Residential Tenancy Branch