



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPC, CNC, MNDC, OLC, LRE, RR*

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to sections 55, 47, 67, 62, 70 and 65 of the *Residential Tenancy Act*. The landlord applied for an order of possession pursuant to a notice to end tenancy for cause. The tenant applied for an order to cancel the notice to end tenancy, for an order directing the landlord to comply with the *Act*, set conditions on the landlord's right to enter the unit, for a monetary order for compensation and for a rent reduction.

The landlord stated that she did not serve the tenant with the notice of hearing package as she understood that the tenant was already informed of the hearing today because she had initiated the dispute resolution process. Since the landlord did not serve the tenant with the notice of hearing, her application is dismissed.

Despite having made application for dispute resolution, the tenant did not attend the hearing and therefore the tenant's application is dismissed.

Issues to be decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord testified that the tenancy started in March 2020 and on July 30, 2020 she served the tenant with a notice to end tenancy for cause. The tenant disputed the notice in a timely manner but failed to attend the hearing.

Analysis

Since the tenant did not call into the conference call, her application is dismissed without leave to reapply. Accordingly, the notice to end tenancy is upheld. The effective date of the notice is August 29, 2020.

Section 55 of the *Residential Tenancy Act* addresses an order of possession for the landlord and states:

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.

In this case, I find that the landlord served the tenant with a notice to end tenancy that complies with section 52 (form and content of notice to end tenancy). Since the tenant did not attend the hearing, I have dismissed the tenant's application for dispute resolution and have upheld the notice to end tenancy.

Under the provisions of section 55, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective **two days after service** on the tenant.

The tenant's application is dismissed in its entirety.

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 28, 2020

Residential Tenancy Branch