



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BRIGHTSIDE COMMUNITY HOMES
FOUNDATION and [tenant name suppressed to protect privacy]

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) to cancel a 1 Month Notice to End Tenancy for Cause dated September 7, 2020 (1 Month Notice).

Two agents for the respondent landlord AM and SM (agents) attended the teleconference hearing. The hearing was by conference call and was scheduled to begin at 9:30 a.m. Pacific Time on Tuesday, November 10, 2020, as per the Notice of a Dispute Resolution Proceeding dated September 22, 2020 (Notice of Hearing) provided to the tenant. The undersigned called into the hearing at 9:32 a.m. and the line remained open while the phone system was monitored for 10 minutes and the only participants who called into the hearing during this time were two agents for the landlord. The agents testified that the tenant continues to occupy the rental unit and has paid money for use and occupancy of the rental unit for November 2020.

After the ten-minute waiting period, the tenant's application was **dismissed in full, without leave to reapply**, in accordance with Residential Tenancy Branch (RTB) Rules of Procedure Rules 7.1 and 7.3. In addition, 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]

I have reviewed the 1 Month Notice and find that it complies with section 52 of the Act. I also find that even though the tenant applied to dispute the 1 Month Notice on September 17, 2020, the tenant failed to follow through with disputing the 1 Month Notice by not attending the teleconference hearing. Therefore, pursuant to section 55 of the Act, **I grant** the landlord an order of possession effective **November 30, 2020 at 1:00 p.m.** which must be served on the tenant. I have used November 30, 2020 at 1:00 p.m. as the agents confirmed that money was paid for use and occupancy of the rental unit for November 2020.

In addition, I also reviewed the video evidence, which I find supports the grounds listed on the 1 Month Notice as I find the tenant berated, swore at, and threatened other occupants of the rental building and that there is no room in any tenancy for the behaviour of the tenant as supported by the video evidence.

As the effective vacancy date listed on the 1 Month Notice was October 30, 2020, I find the tenancy ended on that date, **October 30, 2020.**

Conclusion

The tenant's application has been dismissed in full, without leave to reapply as the tenant failed to attend the hearing and the 1 Month Notice complies with section 52 of the Act. The tenancy ended on October 30, 2020.

The landlord has been granted an order of possession effective November 30, 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. The tenant may be held liable for all costs associated with enforcing the order of possession.

The decision will be emailed to both parties as the tenant provided an email address for their advocate, DD (advocate) and for the landlord in their application. The advocate did not attend the hearing on behalf of 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: November 10, 2020

Residential Tenancy Branch