



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

On September 28, 2020, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) seeking more time to dispute a notice to end tenancy and requesting to cancel a One Month Notice to End Tenancy for Cause dated August 26, 2020 (“the One Month Notice”).

This matter was set for hearing by telephone conference call at 11:00 am on this date. The Landlords appeared at the hearing; however, the Tenant / Applicant did not. The line remained open while the phone system was monitored for ten minutes and the Tenant did not call into the hearing during this time. Therefore, as the Applicant did not attend the hearing by 11:10 am, I dismiss the application without leave to reapply.

Issue to be Decided

- Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord testified that she issued the Tenant a One Month Notice to End Tenancy for Cause dated August 26, 2020 by posting it to the Tenant’s door on August 26, 2020.

The One Month Notice indicates the reasons for ending the tenancy are:

Tenant or a person permitted on the property by the Tenant has:

- *Significantly interfered with or unreasonably disturbed another occupant or the Landlord*
- *Seriously jeopardized the health or safety or lawful right of another occupant or the Landlord*
- *Put the Landlord’s property at significant risk*

The One Month Notice provides information for Tenants who receive the Notice. The Notice states that a Tenant has the right to dispute the Notice within 10 days after receiving it by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

On September 28, 2020 the Tenant applied for Dispute Resolution seeking more time to dispute the One Month Notice but did not appear at the hearing to pursue her application.

The Landlord requested an order of possession for the rental unit. The Landlord testified that the Tenant paid the rent for December 2020.

Analysis

Based on the above, the testimony and evidence before me, and on a balance of probabilities, I find as follows:

The Tenant applied to cancel a One Month Notice but failed to attend the hearing to pursue the application. Therefore, I dismiss the Tenant's Application to cancel the One Month Notice dated August 26, 2020.

Under section 55 of the Act, when a Tenants application to cancel a notice to end tenancy is dismissed and I am satisfied that the notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

I find that the One Month Notice issued by the Landlord meets the requirements for form and content.

I find that the Landlord is entitled to an order of possession effective December 31, 2020 after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The Tenant failed to attend the hearing to pursue her application to dispute a notice to end tenancy. The Tenant's Application to cancel the One Month Notice is dismissed. The Landlord 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: December 03, 2020

Residential Tenancy Branch