



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE

Introduction

On October 6, 2020, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) seeking to cancel a One Month Notice to End Tenancy for Cause dated September 30, 2020 (“the One Month Notice”). The Tenant also applied to suspend or set conditions on the Landlords right of entry into the rental unit.

This matter was set for hearing by telephone conference call at 11:00 am on this date. The Landlord 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 Applicant 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 for the rental unit?

The Tenant applied to dispute a One Month Notice to End Tenancy for Cause dated September 30, 2020 but failed to attend the hearing to pursue the dispute. The Tenant’s application is dismissed.

The Landlord testified that the Tenant vacated the rental unit on November 30, 2020 and she does not require an order of possession for the rental unit.

Analysis

Under section 55 of the Act, when a tenant’s 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.

The tenancy ended in accordance with section 44 of the Act when the Tenant vacated the rental unit on November 30, 2020.

Since the Landlord did not want an order of possession for the rental unit, and order of possession was not issued.

Conclusion

The Tenant failed to attend the hearing. The Tenant's application to cancel the One Month Notice is dismissed.

The tenancy ended in accordance with section 44 of the Act when the Tenant vacated the rental unit on November 30, 2020.

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 15, 2020

Residential Tenancy Branch