



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, 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 (Act) for:

- an order cancelling the One Month Notice to End Tenancy for Cause (Notice) issued by the landlord; and
- to recover the cost of the filing fee.

The hearing began as scheduled at 11:00 a.m., Pacific Time, on Monday, March 15, 2021, and the telephone system remained open and was monitored for 10 minutes. During this time, the applicant/tenant did not dial into the telephone conference call hearing; however, the landlord was present and ready to proceed with the hearing.

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

While waiting for the tenant to appear, the landlord was affirmed and gave evidence in support of the landlord's Notice. The Notice, which was on the Residential Tenancy Branch (RTB) approved form with content meeting the statutory requirements under section 52 the Act, was dated December 17, 2020, with an effective move out date of January 31, 2021.

The landlord submitted without dispute that she served the Notice to the tenant by attaching it to the tenant's door on December 17, 2020. The tenant's application confirmed service of the Notice on that date.

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 from the tenant, I order the tenant's application dismissed, without leave to reapply.**

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, as the effective move-out date has passed.

Should the tenant 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 tenant is **cautioned that costs of such enforcement, including bailiff fees**, are recoverable from the tenant.

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 of the rental unit, effective two days after service on the tenant.

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: March 15, 2021

Residential Tenancy Branch