



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding OAKTREE FOUNDATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant seeking remedy under the *Residential Tenancy Act* (Act) to cancel a 1 Month Notice to End Tenancy for Cause dated February 17, 2021 (1 Month Notice).

The tenant was provided with a copy of the Notice of Dispute Resolution Hearing dated February 25, 2021 (Notice of Hearing). The tenant, however, did not attend the hearing set for today, May 21, 2021 at 11:00 a.m. Pacific Standard Time. The phone line remained open for 10 minutes and was monitored throughout this time. The only parties to call into the hearing were an agent for the landlord, ZM (agent) and a witness, JB (witness).

Preliminary and Procedural Matters

The agent was informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The agent was also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the agent was informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. The agent had no questions about my direction pursuant to RTB Rule 6.11.

In addition, the agent confirmed their email address at the outset of the hearing and stated that they understood that the decision and any applicable orders would be emailed to them.

Analysis

Following the 10-minute waiting period, **the application of the tenant was dismissed without leave to reapply** pursuant to sections 7.1 and 7.3 of the RTB Rules, as the applicant failed to attend the hearing and the agent for the landlord respondent did attend.

Section 55(1) 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 as the agent stated that the tenant's name started with a Y and not a J, I amend the 1Month Notice pursuant to sections 68(1)(a) and 68(1)(b) of the Act and find the 1 Month Notice complies with section 52 of the Act. The effective date on the 1 Month Notice is March 31, 2021. Pursuant to section 55 of the Act, **I grant** the landlord an order of possession effective **May 31, 2021 at 1:00 p.m.** which must be served on the tenant. I have May 31, 2021 at 1:00 p.m. as the agent confirmed that the tenant has paid for use and occupancy of the rental unit until May 31, 2021.

I find the tenancy ended on March 31, 2021, which was the effective vacancy date listed on the 1 Month Notice.

Conclusion

The tenant's application is dismissed without leave to reapply.

The tenancy ended on March 31, 2021. The landlord has been granted an order of possession effective May 31, 2021 at 1:00 p.m. This order must be served on the tenant and then may be filed in the Supreme Court of British Columbia and enforced as an order of that court.

This decision will be emailed to both parties.

The order of possession will be emailed to the landlord only for service on 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: May 21, 2021

Residential Tenancy Branch