



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Crest Apartments  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, RP, PSF, OLC

Pursuant to section 58 of the *Residential Tenancy Act* (the “Act”), I was designated to hear an application regarding a tenancy. The Tenant had applied for:

- an order cancelling a One Month Notice to End Tenancy for Cause, dated October 29, 2021;
- repairs made to the unit, having contacted the Landlord in writing;
- an order for the Landlord to provide services or facilities required by the tenancy agreement or law; and
- and order for the Landlord to comply with the Act, regulation, and/or the tenancy agreement.

The hearing teleconference commenced on time at 9:30 a.m. and was attended by the Landlord; the Tenant did not attend the hearing, though the teleconference line remained open for 10 minutes. The Landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses; they were also made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

The Landlord indicated the Tenant had not served the Notice of Dispute Resolution Proceeding on the Landlord, only the Instructions for Respondents document. The Landlord testified he learned of the hearing by contacting the Residential Tenancy Branch.

As the Tenant did not serve the Landlord with a Notice of Dispute Resolution Proceeding and did not attend the hearing at the appointed date and time, I dismiss her application without leave to reapply.

Section 55(1) of the Act states that when a tenant’s application to cancel a notice to end tenancy is dismissed and the notice to end tenancy complies with the form and content

requirements of section 52 of the Act, the director must grant an order of possession to the landlord.

There is no provision in the Act which requires the director to consider the merits of an application when the applicant does not attend the hearing. Nevertheless, I accept the Landlord's unchallenged and affirmed testimony and evidence that the Tenant harasses other occupants of the rental property by calling them names and engages in other "bullying and intimidating and offensive behavior."

Considering the above, and pursuant to section 55(1) of the Act, I find that the Landlord is entitled to an order of possession which will be effective two days after it is served on the Tenant. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

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: January 27, 2022

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Residential Tenancy Branch