



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M-MT, LAT, OLC, LRE, DRI, FFT

Introduction

The Tenant filed an Application for Dispute Resolution on October 4, 2021 seeking the following:

- cancellation or withdrawal of the Four-Month Notice to End Tenancy for Demolition, Renovation, Conversion to Another Use (the “Four-Month Notice”);
- more time to dispute the Four-Month Notice, beyond that prescribed by the legislation;
- authorization to change the locks to the rental unit;
- the Landlord’s compliance with the legislation and/or the tenancy agreement;
- suspended/set conditions on the Landlord’s right to enter the rental unit;
- cancellation of a rent increase that is above the amount allowed by law;
- reimbursement of the Application filing fee.

The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on February 14, 2022.

The Landlord attended the hearing; the Tenant did not. In the conference call hearing I explained the process and offered the Landlord the opportunity to ask questions. I provided the landlord the opportunity to present oral testimony and make oral submissions during the hearing.

Preliminary Issue

The Tenant did not attend the hearing, although I left the teleconference hearing connection open until 9:40 a.m. to enable them to call in to this teleconference hearing scheduled for 9:30 a.m. I confirmed the correct call-in numbers and participant codes were provided in the Notice

of Hearing generated when the Tenant applied. I also confirmed throughout the duration of the call that the Tenant was not in attendance.

Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application without leave to re-apply.

On this basis, I dismiss the Tenant's Application for the issues listed above. I am not granting more time for them to dispute. The Tenant does not have leave to reapply on those issues.

Issue to be Decided

Is the Landlord entitled to issue an Order of Possession pursuant to s. 55 of the *Act*?

Background and Evidence

The Landlord issued the Four-Month Notice on June 30, 2021 for the end-of-tenancy date of October 31, 2021. The Landlord stated their desire on page 2 of the document, to "Convert the rental unit to a non-residential use." The document indicates the Landlord left a copy in the mailbox or mail slot at the address of the rental unit; additionally, the Landlord attached a copy to the door.

Analysis

The *Act* s.49(6) states that a landlord may end a tenancy for any of the reasons listed therein. One of the reasons is that they may convert the rental unit to a non-residential use. That is what the landlord indicated on page 2 of the One-Month Notice.

Following this, s. 49(8)(b) states that within 30 days of receiving a notice a tenant may dispute it by filing an Application for Dispute Resolution.

I am satisfied the Landlord issued the One-Month Notice on June 30, 2021, and the Tenant did not apply for dispute resolution within that 30-day period after service.

As above, the Tenant's application to cancel the Four-Month Notice is dismissed. The tenancy is ending.

Under s. 55 of the *Act*, when a tenant's application to cancel a Notice to end tenancy is dismissed and I am satisfied the One-Month Notice complies with the requirements under s. 52 regarding form and content, I must grant the landlord an order of possession.

I find that the Four-Month Notice complies with the requirements of form and content. The Landlord is entitled to an order of possession on the effective date

Conclusion

As the applicant Tenant did not attend to present their Application, I dismiss their Application in its entirety, without leave to reapply.

I grant an Order of Possession to the Landlord effective **two days after service of this Order** on the tenants. Should the Tenant fail to comply with this Order, this Order may be filed 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 s. 9.1(1) of the *Act*.

Dated: February 14, 2022

Residential Tenancy Branch