



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DEVON PROPERTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **CNL-4M**

Introduction

This hearing dealt with the tenant's application pursuant to section 49 of the *Residential Tenancy Act* (the "Act") for cancellation of the landlord's 4 Month Notice to End for Demolition, Renovation, or Conversion to Another Use (the "4 Month Notice").

This matter was set for hearing by telephone conference call at 9:30 am on this date. The line remained open and the phone system was monitored for the full duration of the 10 minute hearing and the only participant who called into the hearing during this time were the agents of the respondent (the "landlord").

The landlord was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

At the outset of the hearing the landlord provided their correct name and the corrected name of the respondent is used in the style of cause for this decision and accompanying orders.

Rule 7.3 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 reapply.

Therefore, as the applicant did not attend the hearing, and the respondent was present and ready to proceed, I dismiss the claim in its entirety without leave to reapply.

Section 55 of the *Act* provides that:

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.

I have dismissed the tenant's application. I find that no 4 Month Notice was ever issued and the landlord issued a 1 Month Notice to End Tenancy for Cause dated February 14, 2022 with an effective date of June 30, 2022. I find that the 1 Month Notice submitted into evidence by the tenant complies with the form and content requirements of section 52 as it is signed and dated by the landlord, provides the address of the rental unit, the effective date of the notice, and the grounds for the tenancy to end.

I therefore find that the landlord is entitled to an Order of Possession pursuant to section 55 effective June 30, 2022, the effective date of the 1 Month Notice.

Conclusion

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

I grant an Order of Possession to the landlord effective **1:00PM on JUNE 30, 2022**. Should the tenant or anyone on the premises 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 Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 2, 2022

Residential Tenancy Branch