



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, OLC, MNDCT, RR, LRE, DRI

Introduction

This hearing was convened in response to two applications by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling two notices to end tenancy - Section 46 and 47;
2. A Monetary Order for compensation - Section 67;
3. An Order for a rent reduction - Section 65;
4. An Order restricting the Landlord’s entry - Section 70;
5. An Order in relation to a disputed rent increase - Section 43; and
6. An Order for the Landlord’s compliance - Section 62.

The matter was set for a conference call hearing at 11:00 a.m. on this date. The Arbitrator called in to the hearing at the scheduled time. The line remained open while the phone system was monitored for ten minutes. The only Party who called into the hearing during this time was the Landlord who was ready to proceed. It was confirmed that the correct call-in numbers and participant codes were provided in the Notice of Hearing to the Tenant. As the Tenant did not attend the hearing to pursue their applications, I dismiss the applications without leave to reapply.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord served the Tenant with a one month notice to end tenancy for cause dated May 31, 2022 (the "Notice"). The Notice is on an RTB form, is signed by the Landlord, is dated May 31, 2022 and sets out repeated late rent payments as the reason for the Notice. the Notice sets out details of late rent payments for the months January to May 2022 inclusive. The Landlord's Agent MM obtained the Tenant's signature on a mutual agreement to end the tenancy for August 25, 2022. As of this date the Tenant is nearly moved out. The Landlord asks for an order of possession effective August 25, 2022.

Analysis

Section 55(1) 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.

Section 52 of the Act provides that in order to be effective, a notice to end a tenancy must be in writing and must

- (a) be signed and dated by the landlord or tenant giving the notice,
- (b) give the address of the rental unit,
- (c) state the effective date of the notice,
- (d) except for a notice under section 45 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and
- (e) when given by a landlord, be in the approved form.

Based on the Landlord's undisputed evidence of the form and content of the Notice that was given to the Tenant and as the Tenant's application to dispute the Notice has been dismissed, I find that the Landlord is entitled to the order of possession for August 25, 2022.

Conclusion

I grant an Order of Possession to the Landlord effective 1:00 p.m. on August 25, 2022. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: August 22, 2022

Residential Tenancy Branch