



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The Tenant applied to cancel a One Month Notice to End Tenancy, pursuant to the *Residential Tenancy Act* (the "Act").

The Landlord (respondent) attended the hearing and provided affirmed testimony. However, the Tenant (applicant) did not. The hearing was by telephone conference and began promptly, as scheduled, at 1:30 pm Pacific Time on August 4, 2022, as per the Notice of a Dispute Resolution Hearing provided to the Tenant. The line remained open while the phone system was monitored for 15 minutes and the only participants who called into the hearing during this time was the respondent/Landlord and her son, both of whom were ready to proceed.

As stated above, the Landlord and her son were present at the start of the hearing. Then, at around 8 minutes into the hearing, a participant joined the teleconference call. However, I was unable to confirm the identity of the new participant, and within seconds, the caller disconnected. The line remained open for another 5 minutes, and no one attempted to reconnect.

After waiting 15 minutes, I dismissed the Tenant's application, **in full, without leave to reapply**.

The Landlord testified that the Tenant continues to occupy the rental unit. The Landlord further testified that he is seeking to end the tenancy because the Tenant has repeatedly put the Landlord's property at risk of fire. The Landlord noted 3 occasions where the Tenant almost burned the house down by misusing his stove. These

incidents are noted on the 1 Month Notice to End Tenancy. I accept this undisputed testimony along with the Notice to End Tenancy, provided into evidence.

Section 55 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.**

[My emphasis added]

Under section 55 of the *Act*, when a Tenant's application to cancel a notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52, I must grant the Landlord an order of possession. Section 52 of the *Act* requires that any notice to end tenancy issued by a landlord must be signed and dated by the landlord, give the address of the rental unit, state the effective date of the notice, state the grounds for ending the tenancy, and be in the approved form.

I find that the Notice issued by the Landlord meets the requirements for form and content and the Landlord is entitled to an order of possession, effective 2 days after service on the Tenant.

Conclusion

The Tenant's application has been dismissed in full, without leave to reapply as the Tenant failed to attend the hearing.

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this

order the Landlord may file the order with the Supreme Court of British Columbia and be 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 *Residential Tenancy Act*.

Dated: August 04, 2022

Residential Tenancy Branch