



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPC**

Introduction

This hearing dealt with the Landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for an Order of Possession for a One Month Notice to End Tenancy For Cause (the "One Month Notice") pursuant to Sections 55 and 62 of the Act.

The hearing was conducted via teleconference. The Landlord's Agent and Witness attended the hearing at the appointed date and time and provided affirmed testimony. The Tenant did not attend the hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Landlord's Agent and I were the only ones who had called into this teleconference. The Landlord's Agent was given a full opportunity to be heard, to make submissions, and to call witnesses.

At the outset of the hearing, the Landlord's Agent stated that the Tenant has vacated the rental unit. The reason for his leaving was due to a court ordered No Go dated May 26, 2022 for the residential property. This No Go is effective for one year. The Landlord's Agent said they are in the business of housing vulnerable people. The Landlord is seeking an Order of Possession.

The Landlord's Agent confirmed that they personally served the Tenant with the Notice of Dispute Resolution Proceeding package for this hearing on May 19, 2022 (the "NoDRP package"). The Landlord Witness testified that he was present when the NoDRP package was personally served on the Tenant. I find that the Tenant was served with the NoDRP package for this hearing on May 19, 2022, in accordance with Section 89(1)(a) of the Act.

Issue to be Decided

Is the Landlord entitled to an Order of Possession for the One Month Notice?

Analysis

The standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed. The onus to prove their case is on the person making the claim.

This hearing was conducted pursuant to Residential Tenancy Branch (the “RTB”) Rules of Procedure 7.3, in the Tenant’s absence, therefore, all the Landlord’s testimony is undisputed. Rules of Procedure 7.3 states:

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 re-apply.*

The Landlord testified that they require an Order of Possession for the rental unit. After a review of the Tenant’s name in the RTB database, I do not see that he has disputed the One Month Notice. At present, there is a court ordered No Go against the Tenant for the residential property. The Landlord is in the business of housing vulnerable people and requires formal possession of the rental unit. I find the Landlord’s request is valid and prudent for this organization. Pursuant to Section 55(4)(a) of the Act, I grant an Order of Possession to the Landlord effective two days after service on the Tenant.

Conclusion

The Landlord’s application is upheld, and I grant an Order of Possession to the Landlord effective two days after service on the Tenant. The Landlord must serve this Order on

the Tenant as soon as possible. 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 Section 9.1(1) of the Act.

Dated: September 16, 2022

Residential Tenancy Branch