



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Connexus Community Resources  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Introduction

On November 21, 2022 the Tenant applied for dispute resolution for an order cancelling the One-Month Notice to End Tenancy for Cause (the “One-Month Notice”) issued by the Landlord. They applied for more time in which to make this Application.

The matter proceeded by way of a hearing pursuant to s. 74(2) fo the *Residential Tenancy Act* (the “Act”) on February 9, 2023. The Landlord attended the telephone conference call hearing; the Tenant did not attend.

The Tenant did not attend the hearing, although I left the teleconference hearing connection open until 9:41am to enable them to call in to this hearing scheduled for 9:30am. I confirmed the correct call-in numbers and participant codes were provided in the Notice of Dispute Resolution Proceeding 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, an arbitrator may conduct the hearing in the absence of that party or dismiss the application without leave to reapply. On this basis, I dismiss the Tenant’s Application for cancellation of the One-Month Notice, without leave to reapply.

Additionally, the Landlord advised they did not receive notice of this hearing directly from the Tenant. The Tenant stated to the Landlord that they disputed the One-Month Notice via the Residential Tenancy Branch, yet did not provide notification of that to the Landlord. The Landlord stated they received a copy of the Tenant’s own handwritten Application; however, they did not receive the Notice of Dispute Resolution Proceeding.

The *Residential Tenancy Branch Rules of Procedure* that are crafted to ensure a fair process specify the documents to be served by the applicant (here, the Tenant) to the respondent (here, the Landlord). These are: the Notice of Dispute Resolution Proceeding provided when applying; the Respondent Instructions for Dispute Resolution; a process fact sheet; and other

evidence submitted by the applicant. This is as stated on the documentation provided directly to the Tenant by the Residential Tenancy Branch.

I find the Tenant did not provide a copy of the Notice of Dispute Resolution Proceeding – that document that is generated when a person applies for dispute resolution – to the Landlord. Alternately, I dismiss the Tenant's Application for this reason.

I dismiss the Tenant's Application to cancel the One-Month Notice. 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 that the One-Month Notice form issued by the Landlord complies with the s. 52 requirements regarding form and content, I must grant the Landlord an order of possession.

I find that the One-Month Notice issued by the Landlord complies with the s. 52 requirements. Therefore, I grant the Order of Possession to the Landlord.

### Conclusion

As the Applicant Tenant did not attend to present their Application, and did not notify the Landlord of the hearing as required, I dismiss the Tenant's Application for a cancellation of the One-Month Notice, without leave to reapply.

I grant an Order of Possession to the Landlord effective two days after service of it to the Tenant. Should the Tenant fail to comply with the Order of Possession, the Landlord may file it with the Supreme Court of British Columbia, where it will 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 s. 9.1(1) of the *Act*.

Dated: February 9, 2023

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Residential Tenancy Branch