

DECISION

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- cancellation of the Landlord's One Month Notice to End Tenancy for Cause (One Month Notice) under section 47 of the Act

This hearing also dealt with the Landlord's Application for Dispute Resolution under the Residential Tenancy Act (the Act) for:

- an Order of Possession based on a One Month Notice to End Tenancy for Cause (One Month Notice) under sections 47 and 55 of the Act

Service of Notice of Dispute Resolution Proceeding and evidence (Proceeding Package) for Landlord's Application

I find that the Landlord provided the Tenant a copy of the Proceeding Package by providing it to the Tenant in person on July 5, 2024, in accordance with section 89(2) of the Act. The Tenant is deemed served on July 5, 2024, in accordance with section 90 of the Act. The Landlord provided as evidence the Proof of Service Notice of Dispute Resolution Proceeding Package #RTB-55 form to confirm this service.

Preliminary Matters

The Tenant did not attend at the appointed time set for the hearing, although I waited until 9:41 a.m. to enable them to participate in this hearing scheduled for 9:30 a.m. I confirmed that the correct call-in number and participant code had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed on the teleconference system that the Landlord's agent, the Landlord's building manager, the Landlord's assistant building manager, and I were the only people who had called into this hearing. In the absence of the Tenant, under Rule 7.1 and 7.3 of the Rules of Procedure, I order the Tenant's application dismissed, without leave to reapply.

Issues to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

I have reviewed all evidence, including the testimony of the Landlord's agent, but will refer only to what I find relevant for my decision.

The Landlord's agent testified that this tenancy began on June 1, 2018, with a monthly rent of \$511.00, due on the first day of the month. The Tenant paid a security deposit of \$237.50.

The Landlord's agent testified that the One Month Notice dated June 6, 2024, was attached to the Tenant's door on June 6, 2024, in accordance with section 88 of the Act. The Tenant is deemed served on July 9, 2024, in accordance with section 90 of the Act. The Landlord provided as evidence the Proof of Service Notice to End Tenancy #RTB-34 form to confirm this service.

Is the Landlord entitled to an Order of Possession?

Section 55 of the Act states if a Tenant makes an application for dispute resolution to dispute a Landlord's notice to end tenancy, the Landlord must be granted an Order of Possession if the Landlord's notice to end tenancy complies with section 52 of the Act, and the Tenant's application during the dispute resolution proceeding has been dismissed.

I find the Landlord's One Month Notice dated June 6, 2024, complies with the form and content requirements under section 52 of the Act. Therefore, the Landlord is granted an Order of Possession.

Conclusion

I grant an Order of Possession to the Landlord effective **September 30, 2024, at 1:00 p.m.** 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.

The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

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 29, 2024

Residential Tenancy Branch