



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, AAT, AS, O

Introduction

This matter was set for hearing at 09.00 a.m. on this date to hear the tenant's application to dispute a One Month Notice to End Tenancy for Cause; for an Order for the landlord to comply with the *Residential Tenancy Act (Act)*, regulations or tenancy agreement; for an Order to allow access to the unit for the tenant and the tenant's guests; to allow the tenant to assign or sublet the unit because the landlord's permission has been unreasonably withheld; and other issues.

Since the applicant did not appear at the hearing by 9.15 a.m., but the respondent's agent did appear and was ready to proceed, I dismiss the tenant's application without leave to reapply pursuant to rule 7.3 of the Residential Tenancy Branch *Rules of Procedure*.

Preliminary Issues

The tenant filed his application under the provisions of the *Manufactured Home Park Tenancy Act*. The tenant rents both the mobile home and the site from the landlord; I therefore refer the parties to s. 4 of the *Manufactured Home Park Tenancy Act* which states:

4. *This Act does not apply with respect to any of the following:*

(a) a tenancy agreement under which a manufactured home site and a manufactured home are both rented to the same tenant;

Consequently, the matter was heard today under the *Residential Tenancy Act*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord's agent served the tenant with a One Month Notice to End Tenancy for cause on May 30, 2016 in person. A copy of this Notice has been provided in documentary evidence and provided the following reasons to end the tenancy:

- 1) The tenant is repeatedly late paying rent.
- 2) The tenant or a person permitted on the residential property by the tenant has
 - (i) Significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
 - (ii) Seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or
 - (iii) Put the landlord's property at significant risk;
- 3) The tenant has assigned or sublet the rental unit without the landlord's written consent.

Analysis

The tenant has failed to appear for a scheduled Dispute Resolution hearing and as a result the tenant's application has been dismissed. Part of the tenant's application was to dispute a One Month Notice to End Tenancy.

S. 55(1) of the Act provides that:

- 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.

I find the landlord's Notice to End Tenancy does comply with s. 52 of the *Act* and the landlord's agent requested that I uphold the Notice and issue an Order of Possession for the rental unit. The effective date of the One Month Notice is June 30, 2016; and this date has since passed. As I have dismissed the tenant's application I therefore issue an Order of Possession to the landlord.

Conclusion

The tenant's application is dismissed without leave to re-apply.

The landlord has been issued an Order of Possession effective **Two days after service upon the tenant** pursuant to s. 55(1)(b) of the *Act*. This Order must be served on the tenant. If the tenant remains in Possession of the rental unit and does not relinquish that possession to the landlord then 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 *Residential Tenancy Act*.

Dated: July 08, 2016

Residential Tenancy Branch