



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PROLINE MANAGEMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNC

Introduction

This hearing was convened in response to the Tenants' Application for Dispute Resolution, in which the Tenants applied to set aside a Notice to End Tenancy for Cause.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside?

Background and Evidence

The Agent for the Landlord stated that the Application for Dispute Resolution and Notice of Hearing were personally delivered to a resident manager.

The Tenants submitted a copy of the Notice to End Tenancy for Cause to the Residential Tenancy Branch on April 10, 2018. The Agent for the Landlord stated that a copy of the Notice to End Tenancy for Cause was not served to the Landlord as evidence for these proceedings. As the Notice was not served to the Landlord as evidence for these proceedings, it could not be accepted as evidence for these proceedings.

This hearing was scheduled to commence at 10:30 a.m. on May 31, 2018. I dialed into the teleconference at 10:31 a.m. The Agent for the Landlord dialed into the teleconference prior to 10:31 a.m.

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 Agent for the Landlord and I were the only ones who had called into this teleconference.

The Agent for the Landlord stated that the Landlord has been granted an Order of Possession for the rental unit and that the Landlord is in the process of enforcing that Order.

Analysis

I find that the Tenants failed to diligently pursue their Application for Dispute Resolution and I therefore dismiss the application to cancel the One Month Notice to End Tenancy for Cause, without leave to reapply.

Section 55(1) of the *Act* stipulates that 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 the landlord's notice to end tenancy complies with section 52 of the *Act* and the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

As the One Month Notice to End Tenancy for Cause has not been accepted as evidence for these proceedings, I am unable to look at that document to determine whether it complies with section 52 of the *Act*. As I have been unable to determine whether the Notice to End Tenancy for Cause complies with section 52 of the *Act*, I am not able to grant the Landlord an Order of Possession in accordance with section 55(1) of the *Act*.

Conclusion

The Application for Dispute Resolution is dismissed, without leave to reapply.

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: May 31, 2018

Residential Tenancy Branch