



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TRANSPACIFIC REALTY ADVISORS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FFT

Introduction

On July 30, 2018, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") seeking to cancel a 1 Month Notice to End Tenancy for Cause, and to recover the filing fee for the Application.

The matter was set for a conference call hearing at 11:00 am on this date. The Landlord appeared at the hearing; however, the Applicant / Tenant did not. The line remained open while the phone system was monitored for ten minutes and the Tenant did not call into the hearing during this time. Therefore, as the Applicant did not attend the hearing by 11:10 am, I dismiss the Tenant's application to dispute the 1 Month Notice To End Tenancy For Cause dated July 19, 2018, without leave to reapply.

The Landlord was provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

- Is the Landlord entitled to an order of possession for the rental unit?

Background and Evidence

The Landlord testified that the tenancy began in October 2013. Rent in the amount of \$823.00 is to be paid on or before the first day of each month. The Tenant paid the

Landlord a security deposit in the amount of \$362.50. The Landlord provided a copy of the tenancy agreement.

The Landlord issued the Tenant a 1 Month Notice To End Tenancy For Cause dated July 19, 2018 ("the 1 Month Notice").

The Notice provides information for Tenants who receive the Notice. The Notice states that a Tenant has the right to dispute the Notice within 10 days after receiving it by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

The Tenant disputed the 1 Month Notice within the required time period; however the Tenant failed to attend the hearing to proceed with the dispute.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Under section 55 of the Act, when a Tenant's application to cancel a Notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

The Landlord accepted rent for the month of September 2018 on the basis of "use and occupancy only".

I find that the 1 Month Notice complies with the requirements for form and content. I grant the Landlord an order of possession effective at 1:00 pm on September 30, 2018, after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The Tenant disputed a 1 Month Notice To End Tenancy For Cause and failed to attend the hearing to proceed with the dispute. The Tenant's application to cancel the 1 Month Notice is dismissed without leave to reapply.

I grant the Landlord an order of possession effective at 1:00 pm on September 30, 2018. The Tenant must be served with the order of possession. Should the Tenant fail to comply with the order, 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: September 20, 2018

Residential Tenancy Branch