



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding ROCKY MNT HOLDINGS and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OLC, FFT

This hearing was scheduled pursuant to an Application for Review Consideration, made by the Tenant on August 18, 2023. The Tenant applied for the following relief, pursuant to the Residential Tenancy Act (the Act):

- an order cancelling a One Month Notice to End Tenancy for Cause, dated August 10, 2023 (the One Month Notice);
- an order that the Landlords comply with the Act, Residential Tenancy Regulation, and/or the tenancy agreement; and
- an order granting recovery of the filing fee.

The Landlords were represented at the hearing by AS, who provided affirmed testimony. The Tenant did not attend the hearing.

On behalf of the Landlords, AS testified that the Landlords were not served with the Notice of Dispute Resolution Proceeding package. It was not until September 26, 2023, when he was contacted by the Residential Tenancy Branch, that he learned of the hearing. AP testified that he was advised on that date that the Tenant wished to cancel the hearing. A communication note in the Dispute Management System confirms the testimony of AS.

As the Tenant did not attend the hearing, I find that the application is dismissed without leave to reapply.

Section 55(1) of the Act states that when a tenant's application to cancel a notice to end tenancy is dismissed and the notice to end tenancy complies with the form and content requirements of section 52 of the Act, the director must issue an order of possession in favour of the landlord. Having examined the One Month Notice submitted into evidence by the Tenant, I find that it complies with section 52 of the Act. It is signed and dated, gives the address of the rental unit, states the effective date of the notice, states the

grounds for ending the tenancy, and is in the approved form. Considering the above, I find the Landlords are entitled to an order of possession which will be effective two days after it is served on the Tenant.

Conclusion

The Tenant's application is dismissed without leave to reapply.

By operation of section 55(1) of the Act, the Landlords are granted an order of possession which will be effective two days after it is served on the Tenant. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

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 28, 2023

Residential Tenancy Branch