



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, MNDC

Introduction

This hearing was scheduled for 11:00 a.m. on this date to hear the tenant's application to cancel a 1 Month Notice to End Tenancy for Cause and a Monetary Order for compensation for damage or loss under the Act, regulations or tenancy agreement.

The tenant did not appear at the hearing by 11:10 a.m. The landlords appeared at the hearing.

Issues(s) to be Decided

1. Are there grounds to set aside the Notice to End Tenancy?
2. Is the landlord entitled to an Order of Possession?

Background and Evidence

The tenant had submitted a copy of the Notice to End Tenancy as evidence for the hearing. The landlord requested an Order of Possession during the hearing. The landlord testified that he personally served the Notice to End Tenancy upon the tenant on April 7, 2009. The Notice to End Tenancy has an effective date of May 7, 2009; however I heard that rent is due on the 1st day of the month. The landlord testified that the tenant is still residing in the rental unit.

Analysis

Since the tenant did not appear at the hearing I assumed that she has abandoned her application and I dismiss her application without leave to reapply. I was satisfied the Notice to End Tenancy was sufficiently served upon the tenant and that it is a valid Notice to End Tenancy. The effective date on the Notice does not comply with the



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requirements of section 47 of the Act and is automatically changed to read May 31, 2009. The tenant must vacate the rental unit by 1:00 p.m. on May 31, 2009.

I grant the landlord's request for an Order of Possession in accordance with section 55 of the Act. The landlord must serve the enclosed Order of Possession upon the tenant and may file it in The Supreme Court of British Columbia to enforce as an Order of that court.

Conclusion

The tenant's application has been dismissed without leave. The tenant must vacate the rental unit by 1:00 p.m. on May 31, 2009. The landlord has been provided with an Order of Possession effective 1:00 p.m. on May 31, 2009.

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 22, 2009.

Dispute Resolution Officer