

# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **DECISION AND REASONS**

### **Dispute Codes:**

*CNC, MNDC*

### **Introduction**

This hearing dealt with an application by the tenant for an order to cancel the notice to end tenancy for cause, pursuant to Section 47 of the *Residential Tenancy Act*. The tenant also applied for a monetary order for compensation for loss under the *Act*.

The tenant who is the applicant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing, a decision has been reached.

### **Issues**

Is the landlord entitled to an order of possession?

### **Background and Evidence**

The landlord served the tenant with a notice to end tenancy for cause on April 20, 2009 with an effective date of June 01, 2009. The landlord stated that it appears that the tenant is no longer living in the unit, but he has not removed his belongings. The landlord requested for an order of possession.

The conference call line was held open for ten minutes, but the applicant failed to appear.

### **Analysis**

The tenant applied to cancel the notice to end tenancy, but did not attend the hearing. In the absence of the tenant's testimony to cancel the notice, the notice to end tenancy is upheld and the tenant's application to cancel the notice to end tenancy is dismissed.

During the hearing the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55(1), upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order.

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.

### **Conclusion**

The notice to end tenancy is upheld and the tenant's application to cancel the notice to end tenancy and for compensation, is dismissed. The landlord is granted an order of possession effective two days after service on the tenant.

Dated June 04, 2009.

---

Dispute Resolution Officer