



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNC

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenant has made application to cancel a Notice to End Tenancy for Cause. The tenant did not attend the hearing.

The landlord was present at the hearing.

Issue(s) to be Decided

The issue to be decided is whether the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, should be set aside.

Background and Evidence

The landlord supplied a copy of a One Month Notice to End Tenancy for Cause issued on August 31, 2009.

The Landlord testified that the police have been involved and that the tenant was removed from the rental unit. The landlord stated that workers will be coming to pick up the tenant's belongings but that the tenant has not returned the keys to her. The landlord testified that the workers assisting the tenant told her the tenant would not be participating in this hearing.

The landlord stated that she wants the tenant to move out and that the tenant can not continue to live in the rental unit.

Analysis

I find, in the absence of the tenant, that his Application for Dispute Resolution is dismissed without leave to reapply.



Dispute Resolution Services

Page: 2

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I have accepted the landlord's request that the tenant be required to move out and have issued an Order of possession, as provided by section 55(1) of the Act which states:

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

Conclusion

The tenant's application to cancel the notice to end tenancy is dismissed without leave to reapply.

I hereby grant the landlord an Order of Possession that is effective within two days of service to the tenant. This Order may be served on the tenant, filed with 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: October 26, 2009.

Dispute Resolution Officer