



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

### **Dispute Codes:**

MT, CNQ

### **Introduction**

This Hearing was scheduled to hear the Tenant's application more time to file his application to cancel a Notice to End Tenancy; and cancel a Notice to End Tenancy because the Tenant does not qualify for subsidized housing.

This application was scheduled to be heard via teleconference on November 16, 2010 at 10:30 a.m. The Landlord's agent signed into the conference on time and was ready to proceed, however by 10:40 a.m., the Tenant had not yet signed into the teleconference. Therefore, the Tenant's application is dismissed without leave to reapply.

The Landlord's agent requested an Order of Possession.

### **Background and Evidence**

The Landlord's agent gave the following affirmed testimony:

- The Landlord's agent witnessed another agent of the Landlord personally handing the Notice to End Tenancy to the Tenant at a hospital on September 21, 2010.
- The Notice to End Tenancy, a copy of which was entered in evidence, was issued on September 21, 2010.

### **Analysis**

Section 55(1) of the Act states:

### **Order of possession for the landlord**

**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.

Based on the undisputed testimony of the Landlord's agent, I am satisfied that the Tenant was personally served with the 2 Month Notice to End Tenancy on September 21, 2010. I find that the effective date of the end of the tenancy is November 30, 2010. Further to the provisions of Section 55(1) of the Act, I hereby provide the Landlord with an Order of Possession **effective 1:00 p.m., November 30, 2010.**

### **Conclusion**

The Tenant's application is dismissed without leave to re-apply.

I hereby provide the Landlord an Order of Possession effective 1:00 p.m., November 30, 2010. This Order must be served on the Tenant and 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: November 16, 2010.

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