



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, FF

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for nonpayment of rent. This matter was set for a conference call hearing at 11:00 a.m. on this date. As of 11:10 p.m. the applicant/tenant had not called into the conference call. The respondent/landlord called in.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenant was served the notice to end tenancy on June 07, 2011. However, she was served a one page notice in error. The tenant disputed the notice to end tenancy. The landlord was notified of the mistake and on June 21, 2011, the landlord served the tenant with an appropriate notice to end tenancy. As of the date of the hearing, the tenant still owed rent.

During the waiting period, the landlord made an oral request for an order of possession in the event that the tenant's application was not successful.

Analysis

The applicant did not call into the conference call and therefore this application is dismissed without leave to reapply. 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 I grant the landlord an order of possession effective two days after service on the tenant.

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: July 08, 2011.

Residential Tenancy Branch