



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPB, MNR, CNR, FF

Introduction

This conference call hearing was convened in response to two applications for dispute resolution as follows:

By the landlord: as an application for an Order of Possession for cause and for breach of an agreement with the landlord; for a Monetary Order for unpaid rent; and to recover the filing fee associated with his application.

By the tenant: as an application for cancellation of a 10 Day Notice to End Tenancy.

The landlord participated in the hearing. At the outset, she stated that the trailer which is subject of this tenancy was seized by bailiffs on August 31st, 2011, and that the tenant has since moved out; therefore the landlord withdrew all aspects of her application as they pertain to this dispute.

The landlord further referred to Residential Tenancy Branch file #771843, wherein the tenant had applied for cancellation of a 1 Month Notice to End Tenancy. A hearing took place on August 10th, 2011 and the tenant's application was dismissed. The landlord said that her failure to make an oral request for an order of possession during the hearing was an oversight; and that in the remote eventuality that the tenant should regain possession of the trailer she is now requesting an order of possession.

The landlord said that she served the notice of a dispute resolution hearing in person to the tenant and the tenant's advocate on August 22nd, 2011. Neither the tenant nor his

advocate called in to the conference and accordingly the tenant's application is dismissed without leave to reapply.

Conclusion

I accept the landlord's undisputed testimony that she served the tenant with the Notice of Dispute Resolution in a proper manner pursuant to section 89 of the *Residential Tenancy Act*. I find that the tenant knew, or ought to have had knowledge of the date scheduled for this hearing.

The landlord withdrew her application made under File #776557. The tenant's application is dismissed without leave to reapply.

Under File #771843, I grant the landlord an Order of Possession effective two days from the date the order is served upon the tenant.

If necessary, This Order 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: September 14, 2011.

Residential Tenancy Branch