



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC

Introduction

On October 6, 2011, the tenants applied to cancel a 1 Month Notice ending tenancy for Cause, issued on September 27, 2011. The landlord attended the hearing at the scheduled start time; the tenants did not attend the hearing in support of their application.

As the tenants failed to attend the hearing, I dismissed their application.

The landlord stated he wanted the tenants to move out; I found this to be the equivalent of a request for an Order of possession.

Section 55(1) of the Act provides:

- 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.

As I have dismissed the tenant's Application to cancel the Notice; and the landlord has requested an order of possession, I find that the landlord is entitled to an order of possession effective 2 days after service to the tenants.

Conclusion

The tenant's application is dismissed.

The landlord requested an order of possession.

The landlord has been granted an Order of possession that is effective **two days after it is served upon the tenants**. This Order may be served on the tenants, 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: November 02, 2011.

Residential Tenancy Branch