



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, MNDC, FF, OPB

Introduction

This hearing was convened in response to an application by the Landlord and an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

The Landlord applied on February 2, 2012 for:

1. An Order of Possession - Section 55.

The Tenant applied on January 30, 2012 for:

1. An Order allowing more time to make an application to cancel a Notice to End Tenancy – Section 66;
2. An Order cancelling a Notice to End Tenancy – Section 46;
3. A Monetary Order for compensation or loss - Section 67; and
4. An Order to recover the filing fee for this application - Section 72.

The Tenant and Landlord were each given full opportunity to be heard, to present evidence and to make submissions.

Preliminary Matter

At the onset of the Hearing, the Tenant confirmed that the move-out was in progress and that a continuation of the tenancy was no longer being sought. As a result, the Tenant's application is dismissed.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The tenancy began on August 17, 2009. On December 27, 2011, the Landlord served the Tenant with a One Month Notice to End Tenancy (the “Notice”) by posting the Notice on the door. The Notice has an effective move-out date of January 31, 2012. The Tenant’s application has been dismissed. The Landlord requests an Order of Possession.

Analysis

Section 55 of the Act provides that where a tenant’s application to dispute a notice to end tenancy has been dismissed and the landlord, at the hearing, requests an order of possession, that order must be granted. Given the dismissal of the Tenant’s application, I find that the Landlord is entitled to an Order of Possession.

Conclusion

I grant an Order of Possession to the Landlord. The Tenant must be served with this **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.

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: February 16, 2012.

Residential Tenancy Branch