



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC

Introduction

This Hearing was scheduled to hear the Tenant's application to cancel two *One Month Notices to End Tenancy for Cause* (the "Notices").

This application was scheduled to be heard via teleconference on March 28, 2012, at 1:30 p.m. The Landlord's agent signed into the conference on time and was ready to proceed, however by 1:40 p.m., the Tenant had not yet signed into the teleconference. Therefore, the Tenant's application was dismissed **without leave to reapply**.

The Landlord's agent requested an Order of Possession.

Analysis

Section 55(1) of the Act states:

- 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.

The Notices were issued and served on March 2 and March 9, 2012. Section 47(2) of the Act states:

- 47** (2) A notice under this section must end the tenancy effective on a date that is
- (a) not earlier than one month after the date the notice is received, and

(b) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement.

The Landlord's agent stated that rent was due on the first day of each month. Therefore, pursuant to the provisions of Section 47(2) of the Act, I find that the Notices are effective April 30, 2012.

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., April 30, 2012.**

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., April 30, 2012.** 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: March 28, 2012.

Residential Tenancy Branch