



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FF

Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy. The tenant, an advocate for the tenant and the landlord participated in the teleconference hearing.

Preliminary Issues

The landlord did not serve a copy of her evidence on the tenant as required. I therefore did not admit or consider the landlord's documentary evidence.

The tenant did not submit a copy of the notice to end tenancy which she applied to cancel. The tenant requested an adjournment to submit a copy of the notice. The landlord opposed an adjournment. Based on the tenant's failure to provide a copy of the notice to end tenancy and the prejudice to the landlord if an adjournment were granted, I refused the tenant's request for an adjournment.

The tenant did not submit a copy of the notice to end tenancy as evidence in her application. It is the responsibility of the applicant to provide sufficient evidence to support their application. I therefore determined that the tenant did not provide sufficient evidence to support her application, and I dismissed the application.

The landlord orally requested an order of possession in the hearing. Section 55 of the Act states that when a tenant applies to cancel a notice to end tenancy and the application is dismissed, if the landlord orally requests an order of possession in the hearing then the order of possession must be granted. Accordingly, I grant the landlord an order of possession.

Conclusion

The tenant's application is dismissed.

I grant the landlord an order of possession effective April 30, 2012. 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.

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: April 18, 2012.

Residential Tenancy Branch