



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing was scheduled to deal with a tenant's application to cancel a Notice to End Tenancy for Unpaid Rent. Both parties appeared at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

The tenant did not submit a copy of the Notice to End Tenancy into evidence and the landlord did not have a copy of the Notice in front of him.

The Act requires that an applicant submit full particulars of the matter under dispute. The Rules of Procedure provide that an applicant must file copies of all available documents at the time of filing their application, or if not available at the time of filing, that evidence may be served up to five clear business days before the hearing. Where a tenant is dispute a Notice to End Tenancy I can think of no other document more pertinent to the tenant's application.

I found I was unable to proceed with the tenant's application and I dismissed it without leave to reapply.

The landlord verbally requested that possession of the unit be returned to him.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The tenant requested that she be permitted occupancy of the rental unit until May 31, 2012. The landlord was agreeable to the tenant's request.

### Analysis

Section 55 of the Act provides that if a tenant applies to cancel a Notice to End Tenancy and the landlord verbally requests an Order of Possession during the hearing an Order of Possession shall be granted.

Having dismissed the tenant's application to cancel the Notice, I provide the landlord with an Order of Possession as requested.

Provided to the landlord with this decision is an Order of Possession effective at 1:00 p.m. on May 31, 2012 to serve upon the tenant. The Order must be served upon the tenant to be enforced.

### Conclusion

The landlord has been provided an Order of Possession effective at 1:00 on May 31, 2012 to serve upon the tenant.

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: May 23, 2012.

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Residential Tenancy Branch