



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

### **Dispute Codes:**

FF, OPT, CNC

### **Introduction**

This is the Tenant's application for an Order of Possession of the rental unit; and to recover the cost of the filing fee from the Landlord. This matter was scheduled to be heard on May 23, 2012, and was adjourned to May 31, 2012, in order to allow the Tenant to seek legal counsel's advice. An Interim Decision and Orders were made on May 23, 2012, which should be read in conjunction with this Decision.

At the original Hearing on May 23, 2012, it was apparent that the Tenant sought to cancel a Notice to End Tenancy for Cause that was issued on March 21, 2012 (the "Notice"). I have amended the Tenant's application to reflect this portion of the Tenant's application.

### **Issues to be Decided**

- Is the Notice a valid Notice?
- Is the Tenant entitled to an Order of Possession and recovery of the filing fee?

### **Background and Evidence**

At the original Hearing on May 23, 2012, but the Tenant testified that he had only received page one of the Notice. The person who served the Notice was not available to give testimony with respect to service.

At the reconvened Hearing, the Landlord's witness testified that she personally served the Tenant with the Notice by handing both pages of the Notice to the Tenant at the rental unit on March 21, 2012.

The reconvened Hearing remained open for 10 minutes, but the Tenant did not sign into the Hearing. The Landlord's agent stated that the Tenant had asked the Landlord for permission to stay in the rental unit until 2:00 p.m., June 1, 2012, and that she had agreed in order to keep the peace. The Landlord's agent seeks an Order of Possession effective 2:00 p.m., June 1, 2012.

### **Analysis**

A copy of the Notice was provided in evidence by the Landlord. Based on the testimony of the Landlord's witness and the fact that at the original Hearing the Tenant appeared to be aware at the Notice was issued for damage to the rental unit, I am satisfied that both pages of the Notice were served upon the Tenant and that it is a valid Notice.

The Landlord's agent signed into the teleconference on time and was ready to proceed. The Tenant did not sign into the teleconference. This was the Tenant's application and therefore, I dismiss his application because he has failed to pursue it.

Pursuant to the provisions of Section 55(1) of the Act, I hereby provide the Landlord an Order of Possession effective 2:00 p.m., June 1, 2012.

### **Conclusion**

The Tenant's application is dismissed in its entirety.

I hereby provide the Landlord an Order of Possession effective **2:00 p.m., June 1, 2012**, for service upon the Tenant. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

This interim 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 31, 2012.

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Residential Tenancy Branch