



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MT, CNQ

Introduction

This Hearing was scheduled to hear the Tenant's application for more time to file his application to cancel a Notice to End Tenancy; and cancel a Notice to End Tenancy for Cause issued June 18, 2012.

This application was scheduled to be heard via teleconference on August 14, 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.

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

Commencement of Hearing The hearing must commence at the scheduled time unless otherwise decided by the dispute resolution officer, The dispute resolution officer may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I find that that the Tenant has abandoned his application, and therefore I dismiss the Tenant's application without leave to re-apply.

The Landlord's agent requested an Order of Possession.

Background and Evidence

The Landlord's agent gave the following affirmed testimony:

- The Notice to End Tenancy was personally served upon the Tenant at the rental unit on June 18, 2012.

Analysis

Section 55(1) of the Act states:

Order of possession for the landlord

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.

Based on the undisputed testimony of the Landlord's agent, I am satisfied that the Tenant was personally served with the Notice to End Tenancy on June 18, 2012. Further to the provisions of Section 55(1) of the Act, I hereby provide the Landlord with an Order of Possession.

I find that the effective date of the end of the tenancy was July 31, 2012, and that the Landlord is entitled to an Order of Possession effective two days after service of the Order upon the Tenant. However, the Landlord's agent asked that the Order be **effective 1:00 p.m., August 21, 2012**, in order to provide the Tenant more time to find suitable alternative accommodation.

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., August 21, 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: August 14, 2012.

Residential Tenancy Branch