



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, OLC

### Introduction

This hearing was scheduled for 9:30 a.m. on today's date to deal with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause and request for Orders for compliance. The landlord and building manager appeared at the commencement of the hearing and were prepared to respond to the tenant's application; however, the tenant did not appear despite leaving the teleconference call open more than 10 minutes. I considered the tenant's application abandoned and I dismissed it without leave to reapply.

The landlord orally requested an Order of Possession during the hearing.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background

The 1 Month Notice to End Tenancy for Cause (the Notice) under dispute was issued September 10, 2012 and has a stated effective date of October 31, 2012. On the tenant's Application for Dispute Resolution he indicated that he received the Notice on September 14, 2012.

### Analysis

Section 55 of the Act provides that an Order of Possession shall be granted to a landlord where:

- The tenant applies to cancel a Notice to End Tenancy and the application is dismissed; and,
- The landlord orally requests an Order of Possession during the scheduled hearing.

I am satisfied the criteria of section 55 have been met and I provide the landlord with an Order of Possession. As the effective date of the Notice has passed I provide the landlord with an Order of Possession effective two (2) days after service upon the tenant.

Conclusion

The tenant's application has been dismissed without leave. The landlord has been provided an Order of Possession effective two (2) days after service.

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: October 23, 2012.

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Residential Tenancy Branch