



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a one month notice to end tenancy for cause issued on August 17, 2012.

### Preliminary Issue

Counsel for the tenant appeared on behalf of the tenant and requested an adjournment of the hearing. Counsel stated the tenant is currently in custody and is unable to attend at today's hearing.

In this case, I find it would be inappropriate to grant counsel's request for an adjournment on his client's application, as it would be unfair and prejudicial to the landlord to have to wait until the tenant is released from custody. Therefore, the application for an adjournment was denied.

Counsel stated he only attended today's hearing to request the adjournment and will not be acting on behalf of the tenant and withdraws from the proceedings.

As the tenant was not at the hearing and no one appeared to act on her behalf and the landlord appeared and was ready to proceed, I dismiss the tenant's application to cancel the one month notice to end tenancy issued on August 17, 2012.

As the tenant's application is dismissed and the landlord requested an order of possession at the hearing, pursuant to section 55 of the Act, I must grant this request.

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.

As I have dismissed the tenant's application, I find that the landlord is entitled to an order of possession effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

### Conclusion

The landlord is granted an order of possession.

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 04, 2012.

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Residential Tenancy Branch