



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC

Introduction

This Hearing was scheduled to hear the Tenant's application to cancel a *One Month Notice to End Tenancy for Cause* (the "Notice") issued October 22, 2012.

This application was scheduled to be heard via teleconference on November 29, 2012, at 9:30 a.m. The Landlord signed into the conference and was ready to proceed, however by 9:40 a.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 arbitrator. The arbitrator 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 explained to the Landlord that I find that the Tenant has abandoned his application, and therefore I dismissed the Tenant's application without leave to re-apply.

The Landlord asked for an Order of Possession.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord testified that he served the Tenant with the Notice on October 22, 2012. The Tenant's application indicates that he received the Notice on October 22, 2012, through his mail slot. Therefore, I am satisfied that the Tenant was duly served with the Notice and that he received it on October 22, 2012.

Analysis

Section 55(1) of the Act states:

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.

The Tenant received the Notice on October 22, 2012, and therefore I find that the effective date of the end of the tenancy is November 30, 2012. Therefore, pursuant to the provisions of Section 55 of the Act, I find that the Landlord is entitled to an Order of Possession effective November 30, 2012.

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., November 30, 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: November 29, 2012.

Residential Tenancy Branch