



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC MND MNR MNSD MNDC MT CNC

Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession, a monetary order and an order to retain the security deposit in partial compensation of the monetary claim. The tenant applied to cancel a notice to end tenancy and for an extension of time to make the application.

Both landlords attended the teleconference hearing. The tenant did not call in to the hearing. I therefore dismissed the tenant's application.

The landlord requested an amendment to their application. However, the landlord did not serve the tenant with notice of their requested amendment. I therefore did not allow the amendment.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

On November 3, 2012, the landlord personally served the tenant with a notice to end tenancy for cause. The tenant's application to dispute the notice was dismissed. The landlord stated that they personally served the tenant their application for an order of possession on November 14, 2012.

Analysis

I accept the landlord's testimony regarding service of their application. On the basis of the tenant's failure to attend as applicant on her application and the landlord's application for an order of possession, I grant the landlord an order of possession. The effective date on the notice automatically corrects to December 31, 2012.

Conclusion

I grant the landlord an order of possession effective December 31, 2012. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As the monetary portion of the landlord's application was premature, I dismiss it with leave to reapply.

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: December 14, 2012.

Residential Tenancy Branch