



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT CNC

Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for cause and for an extension of time to make the application. This matter was set for hearing by telephone conference call at 2:30 p.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent. Therefore, as the applicant did not attend the hearing by 2:40 p.m., and the respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

Section 55 of the Act states that when a tenant applies to cancel a notice to end tenancy and the application is dismissed, if the landlord orally requests an order of possession in the hearing then the order of possession must be granted. In the hearing, the landlord appeared and orally requested an order of possession. Accordingly, I grant the landlord an order of possession.

The order of possession is 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.

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 19, 2012.

Residential Tenancy Branch