



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was scheduled for 2:00 p.m. on today's date, via teleconference call, to deal with a tenant's amended application to cancel a 1 Month Notice to End Tenancy for Cause. The tenant did not appear at the hearing despite leaving the teleconference call open for more than 10 minutes.

The three named landlords appeared at the hearing although it was submitted to me that the named landlord (DO) was not the tenant's landlord and pointed to the 1 Month Notice as evidence of such. In the absence of evidence to the contrary, I accepted the landlord's position that DO is not the tenant's landlord and I amended the Application to exclude DO as a named party.

Due to the tenant's failure to appear at the hearing I dismissed the tenant's Application for Dispute Resolution. The landlord orally requested an Order of Possession.

### Issue(s) to be Decided

Are the landlords entitled to an Order of Possession?

### Background and Evidence

The tenant filed to dispute a 1 Month Notice to End tenancy for Cause dated March 7, 2013 with a stated effective date of April 30, 2013.

### Analysis

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

- The tenant files 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.

Having dismissed the tenant's Application to cancel a Notice to End Tenancy I find the landlords entitled to an Order of Possession based upon the oral request made during the scheduled hearing.

Provided to the landlords with this decision is an Order of Possession effective at 1:00 p.m. on April 30, 2013.

### Conclusion

The tenant's application has been dismissed and the landlords are provided an Order of Possession effective April 30, 2013.

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: April 03, 2013

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Residential Tenancy Branch