



# 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 1:30 p.m. on today's date to hear a tenant's application to cancel a Notice to End Tenancy. The tenant did not appear at the hearing despite leaving the teleconference call open until 1:40 p.m. The landlord appeared at the hearing and stated the tenant had communicated to him that she would be vacating the rental unit by the end of April 2013 yet the tenant had not cancelled the hearing. As the landlord appeared at the hearing, in the tenant's failure to appear at the scheduled hearing, I dismissed her application without leave to reapply.

The landlord orally requested an Order of Possession be provided to him to ensure the tenant vacates the rental unit by April 30, 2013.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The tenant filed to cancel a Notice to End Tenancy dated March 25, 2013 with an 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.

As the tenant's application has been dismissed, I grant the landlord's oral request for an Order of Possession. I provide the landlord with an Order of Possession effective at 1:00 p.m. on April 30, 2013 to serve upon the tenant.

Conclusion

The tenant's application has been dismissed. The landlord has been provided an Order of Possession effective at 1:30 p.m. on 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 24, 2013

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Residential Tenancy Branch