



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Stonefield Land Institute Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNC, FF

Introduction

The tenant applied to cancel a 1 Month Notice to End Tenancy for Cause and to recover the filing fee costs.

This matter was set for hearing at 1:30 p.m. on this date. The applicant/tenant did not attend. The landlord was present at the scheduled start time of the hearing;

The Act states:

Commencement of the dispute resolution proceeding

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

In the absence of an appearance by the tenant, this application is abandoned and dismissed.

The landlord stated that she wants the tenant to vacate the rental unit. I find that this request is the equivalent of a request for possession of the rental unit.

Section 55(1) of the Act provides:

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*

Therefore, I find that the landlord is entitled to an Order of possession for the effective date of the Notice; April 30, 2013.

The landlord has been granted an Order of possession that is effective **at 1 p.m. on April 30, 2013**. This Order may be served on the tenant, filed with 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: April 25, 2013

Residential Tenancy Branch