



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding A & A VENTURES INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, CNR

Introduction

This matter dealt with an application by the Tenant to cancel Notices to End Tenancy for unpaid rent and for cause

At the start of the conference call the Tenant was made aware that he did not provide copies of the Notices to End Tenancy in his application package. The Tenant said he was unaware that he had to include those documents in the application package. Without a copy of the Notices to End Tenancy, I am unable to validate them. Consequently I am unable to make a decision on the application due to the lack of evidence. The Tenant's application is dismissed with leave to reapply.

Further during the conference call the Landlord requested an Order of Possession pursuant to section 55(1) which states that a Landlord may request an Order of Possession if a Tenant's application to dispute a Notice to End Tenancy is dismissed. I grant the Landlord an Order of Possession with an effective date 2 days after service of the Order on the Tenant. The Order must be served on the Tenant by one of the way stated in the Act.

Further after the hearing was completed it was discovered that the Landlord had an application file #536721 submitted with regard to the same dispute. In that application the Landlord requested an Order of Possession and a monetary claim for unpaid rent. During the hearing the Landlord did not mention they had an application submitted and the Arbitrator was unaware the Landlord had submitted an application. Consequently the Tenant's application dealt with the Order of Possession, but the Landlord's monetary claim is outstanding. As the Landlord did not speak to their application I dismiss the monetary claim in file #536721 with leave to reapply.

Conclusion

The Tenant's application is dismissed with leave to reapply.

I find, pursuant to section 55 of the Act, that the landlord is entitled to an Order of Possession effective **two days after service** on the tenant and the Order may be filed in the Supreme Court and enforced as an Order of that Court.

The Landlord's monetary claim in file #536721 is dismissed 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: May 01, 2013

Residential Tenancy Branch