



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ANR Investments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNC; OLC; FF

Introduction

This Hearing was scheduled to hear the Tenant's application to cancel a *One Month Notice to End Tenancy for Cause* issued May 22, 2013 (the "Notice"); for an Order that the Landlord comply with the Act, regulation or tenancy agreement; and to recover the cost of the filing fee from the Landlord .

This application was scheduled to be heard via teleconference on June 19, 2013, at 11:00 a.m. The Landlord signed into the conference and was ready to proceed, however by 11:10 a.m., the Tenant had not yet signed into the teleconference.

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

Commencement of Hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I find that that the Tenant has abandoned her application, and therefore I dismiss her application without leave to re-apply.

The Landlord asked for an Order of Possession.

Issue to be Decided

- Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord testified that she served the Tenant with the Notice to End Tenancy by handing the Notice to the Tenant on May 22, 2013, at the rental unit.

Analysis

Section 55(1) of the Act states:

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.

Based on the Landlord's undisputed testimony, I am satisfied that the Tenant received the Notice to End Tenancy on May 22, 2013, and that the effective date of the end of the tenancy is June 30, 2013

Conclusion

The Tenants' application is dismissed without leave to re-apply.

I hereby provide the Landlord with an Order of Possession **effective 1:00 p.m., June 30, 2013**. This Order must be served on the Tenant and 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: June 19, 2013

Residential Tenancy Branch