



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, MNDC, FF

Introduction

A hearing was conducted by conference call in the absence of the applicant but in the presence of a representative of the respondent. I waited 10 minutes past the scheduled start time and recalled the hearing. The applicant failed to appear. I then proceeded with the hearing. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy was sufficiently served on the tenant by posting on May 1, 2013. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on May 28, 2013. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated May 1, 2013?
- b. Whether the tenant is entitled to a monetary order and if so how much?
- c. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began on September 15, 2012. The tenancy agreement provided that the tenant(s) would pay rent of \$650 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$325 at the start of the tenancy.

Analysis

The tenant failed to attend the hearing and failed to present sufficient evidence to for an order to cancel the Notice to End Tenancy. I determined that the landlord has established sufficient cause to end the tenancy. **As a result I dismissed the tenant's application to cancel the Notice to End Tenancy without leave to re-apply.** The representative of the landlord testified that the landlord has agreed the tenant could stay until June 30, 2013. As a result I ordered that the tenancy shall come to an end on June 30, 2013.

I further order that the application of the tenant for a monetary order and the cost of the filing fee be dismissed without leave to re-apply. .

Order for Possession

The Residential Tenancy Act provides that where a landlord has made an oral request for an Order for Possession at a hearing where a dispute resolution officer has dismissed a tenant's application to set aside a Notice to End Tenancy, the dispute resolution officer must grant an Order for Possession. The landlord made this request at the hearing. **As a result I granted the landlord an Order for Possession effective June 30, 2013.**

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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