



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MT; CNR; LRE

### **Introduction**

This Hearing was scheduled to hear the Tenant's application for more time to file his application to cancel a Notice to End Tenancy for Unpaid Rent issued June 27, 2013 (the "Notice"); to cancel the Notice; and for an Order restricting or suspending the Landlord's right to enter the rental unit.

This application was scheduled to be heard via teleconference on August 8, 2013, at 9:30 a.m. The Landlord signed into the conference and was ready to proceed, however by 9:40 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 his application, and therefore **I dismiss the Tenant's application without leave to re-apply.**

The Landlord asked for an Order of Possession.

### **Preliminary Matter**

The Landlord stated that his first name was spelled incorrectly on the Tenant's Application for Dispute Resolution. The Landlord provided the correct spelling of his name and I amended the Tenant's Application accordingly.

### **Background and Evidence**

The Landlord gave the following testimony:

- The Notice to End Tenancy, a copy of which was provided in evidence, was provided to the Tenant on June 27, 2013.

## **Analysis**

Section 55(1) of the Act states:

### **Order of possession for the landlord**

**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 was served with the Notice on June 27, 2013. Section 53 of the Act provides that an incorrect end of tenancy date on a notice to end tenancy is deemed to be changed to the earliest date that complies with the Act. I find that the effective date of the end of the tenancy was July 8, 2013.

Further to the provisions of Section 55(1) of the Act, I hereby provide the Landlord with an Order of Possession **effective 2 days after service of the Order upon the Tenant.**

## **Conclusion**

The Tenant's application is **dismissed without leave to re-apply.**

I hereby provide the Landlord with an Order of Possession **effective 2 days after service of the Order upon the Tenant.** This Order 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: August 08, 2013

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Residential Tenancy Branch