



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1963 Investments Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

This matter was set for a conference call hearing at 9 a.m. on this date and was convened in response to an application by the Tenant for an Order cancelling a Notice to End Tenancy pursuant to Section 47 of the *Residential Tenancy Act* (the “Act”)

The line remained open while the phone system was monitored for ten minutes. The only participant who called into the hearing during this time was the Landlord. The Tenant failed to attend to present their claim. The Landlord appeared and was ready to proceed. In the absence of the Tenant who made the application, I dismiss the Tenant’s claim without leave to reapply. The Landlord requested an Order of Possession.

Section 55 of the Act provides that where a tenant’s application to dispute a landlord’s notice to end tenancy has been dismissed and the landlord makes an oral request for an order of possession, the landlord must be granted an order of possession. As the Tenant’s application has been dismissed and the Landlord has made a request for an Order of Possession, I find that the Landlord is entitled to an Order of Possession.

The Landlord confirmed that the Tenant received a one month notice to end tenancy, dated September 9, 2013. It is noted that the effective date on the Notice is incorrectly set out as September 19, 2013. The Act provides that this date is automatically corrected to conform with the Act which provides for a full month’s notice. In this instance the correct effective date is October 31, 2013. As such I provide the Landlord with an Order of Possession for this effective date.

I grant an Order of Possession to the Landlord effective 1:00 p.m. on October 31, 2013.

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: September 23, 2013

Residential Tenancy Branch

