



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing was scheduled to deal with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause. The tenant did not appear at the hearing but the landlord and his wife did. As the tenant failed to appear at the hearing and the landlords did appear and were prepared to deal with the tenant's application I dismissed the tenant's application without leave to reapply.

The landlord verbally requested an Order of Possession during the hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord submitted that a 1 Month Notice to End Tenancy for Cause was served upon the tenant at the end of July 2013 with an effective date for the end of August 2013. The tenant applied to dispute the 1 Month Notice and I have dismissed the tenant's application as explained above.

Analysis

Section 55 of the Act provides that an Order of Possession shall be granted to a landlord where:

- The tenant files to cancel a notice to End Tenancy and the application is dismissed; and,
- The landlord orally requests an Order of Possession during the scheduled hearing.

I find the criteria of section 55, as outlined above, have been met and the landlord is entitled to an Order of Possession.

Since the effective date of the 1 Month Notice has passed, I provide the landlord with an Order of Possession effective two (2) days after service upon the tenant.

Conclusion

The tenant's application has been dismissed. The landlord has been provided an Order of Possession effective two (2) days after service upon the tenant.

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 18, 2013

Residential Tenancy Branch

