



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT

Introduction

This hearing was scheduled for 11:00 a.m. on this date 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 despite leaving the teleconference call open for approximately 18 minutes. The landlord's agent appeared and indicated he was prepared to deal with the tenant's application. As the tenant failed to appear and the landlord did, I dismissed the tenant's application. The landlord requested an Order of Possession be provided with an effective date of October 31, 2013.

I noted the spelling of the tenant's first name on the Application and 1 Month Notice were not the same. The landlord's agent pointed to the different spelling of the tenant's first name on the tenancy agreement and rent cheques received on behalf of the tenant. I amended the application to include both spellings of the tenant's first name.

The landlord's agent noted the tenant failed to identify the landlord as identified on the tenancy agreement and the 1 Month Notice. Further, the tenant identified the name of the landlord's agent in completing the Application but the spelling of the agent's first name was incorrect. I have amended the application to include the name of the landlord's agent, as it appears on the 1 Month Notice, and the name of the landlord that appears on the tenancy agreement and 1 Month Notice.

I noted the tenant identified the rental unit by way of a unit number that is different than that appearing on the 1 Month Notice and the tenancy agreement. The landlord confirmed that the tenant resides in unit #2, as identified on the tenancy agreement and the 1 Month Notice. I amended the application to change the rental unit address to that as identified on the tenancy agreement and the 1 Month Notice.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

On September 5, 2013 the tenant filed an Application to dispute a 1 Month Notice to End Tenancy for Cause. The tenant's application has been dismissed, as noted above, due to the tenant's failure to appear at the hearing set to hear this dispute.

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 have been met and the landlord is entitled to an Order of Possession. As requested by the landlord, I provide the landlord with an Order of Possession effective October 31, 2013 to serve and enforce as necessary.

Conclusion

The tenant's application to cancel a 1 Month Notice to end Tenancy for Cause has been dismissed. The landlord has been provided an Order of Possession effective October 31, 2013 as requested.

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: October 17, 2013

Residential Tenancy Branch

