



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

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 despite leaving the teleconference call open for at least 10 minutes. The landlord appeared and confirmed that he was prepared to deal with the tenant's application. Since the tenant did not appear at the hearing I dismissed the tenant's application without leave.

The landlord orally requested that an Order of Possession be provided to him.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord confirmed that the tenant was served with a 1 Month Notice to End Tenancy for Cause with a stated effective date of September 30, 2013. The landlord confirmed that he accepted rent from the tenant for use and occupancy for the month of October 2013. The landlord requested an Order of Possession effective October 31, 2013.

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 am satisfied the criteria of section 55, as outlined above, have been met and the landlord is entitled to an Order of Possession. With this decision I provide to the landlord an Order of Possession effective at 1:00 p.m. on October 31, 2013 to serve upon the tenant.

Conclusion

The tenant's application has been dismissed and the landlord has been provided an Order of Possession effective at 1:00 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: October 23, 2013

Residential Tenancy Branch

