



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding West Hotel
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC MNDC OLC

This matter was set for hearing by telephone conference call at 2:30 p.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent. Therefore, as the applicant did not attend the hearing by 2:40 p.m., and the respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

The tenant applied to cancel a notice to end tenancy for cause. The landlord orally requested an order of possession in the hearing. The landlord stated that the effective date of the notice to end tenancy was October 31, 2013.

When a tenant applies to cancel a notice to end tenancy and their application is dismissed, if the landlord orally requests an order of possession in the hearing, under section 55 of the Act I must grant the order of possession. Accordingly, I granted the landlord an order of possession.

As the effective date of the notice has already passed, I grant an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the 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: November 7, 2013

Residential Tenancy Branch