



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC Housing Management Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNC

Introduction

This Hearing was scheduled to hear the Tenant's application to cancel a Notice to End Tenancy for Cause.

This application was scheduled to be heard via teleconference on November 7, at 3:00 p.m. The Landlord's agents signed into the conference and were ready to proceed, however by 3:10 p.m., the Tenant had not yet signed into the teleconference.

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

Commencement of Hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I find that that the Tenant has abandoned his application, and therefore I dismiss the Tenant's application without leave to re-apply.

The Landlord's agent SC asked for an Order of Possession effective November 15, 2013.

Issue to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

SC gave the following affirmed testimony:

- Rent is due on the first day of each month; and
- The Notice to End Tenancy for Cause was hand delivered to the Tenant on September 26, 2013.

Analysis

Section 55(1) of the Act states:

Order of possession for the landlord

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

Based on the undisputed testimony of the Landlord's agent, I am satisfied that the Tenant was personally served with the 1 Month Notice to End Tenancy on September 26, 2013. I find that the effective date of the end of the tenancy was October 31, 2013. However, the Landlord's agent asked that the Order of Possession be effective November 15, 2013. Further to the provisions of Section 55(1) of the Act, I hereby provide the Landlord with an Order of Possession **effective 1:00 p.m., November 15, 2013.**

Conclusion

The Tenant's application is dismissed without leave to re-apply.

I hereby provide the Landlord with an Order of Possession effective 1:00 p.m., November 15, 2013. This 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 07, 2013

Residential Tenancy Branch

