



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, CNC

### Introduction

This hearing was scheduled to deal with a tenant's Application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and a 1 Month Notice to End Tenancy for Cause. Both parties appeared at the hearing and were provided an opportunity to be heard.

The tenant testified that the landlord was notified of this proceeding by way of registered mail. The landlord testified that he did not receive the registered mail and only learned of today's hearing during a dispute resolution hearing held on November 5, 2013. The tenant stated this was untrue; however, the tenant had not provided a copy of the registered mail receipt as evidence and was unable to provide the registered mail tracking number or the date of mailing, orally, during the hearing.

The tenant then submitted that she was of the belief this hearing was to deal with her monetary claim. I informed the parties that the tenant's monetary claim was scheduled to be heard on December 20, 2013 and that the monetary claim would not be dealt with during this hearing. Rather, the purpose of this hearing was to determine whether the Notices to End Tenancy should be cancelled, as requested by the tenant.

I noted the tenant had not supplied copies of the Notices to End Tenancy she wished to dispute and had not filed any other evidence in support of cancelling the Notices to End Tenancy.

The tenant stated that she has moved most of her possessions out of the rental unit, except two items which she planned to remove in the next few days, and had already re-installed the landlord's locks. Thus, she viewed the request to cancel the Notices to End Tenancy to be moot.

In light of the above, I dismissed the tenant's Application.

The landlord requested an Order of Possession to ensure vacant possession of the rental unit is returned to the landlord.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

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 described above, have been met and I grant the landlord's request for an Order of Possession. Provided to the landlord with this decision is an Order of Possession effective two (2) days after service.

The Order of Possession may be served on the door of the rental unit and it will be deemed to be received by the tenant three days after posting.

Conclusion

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

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 20, 2013

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Residential Tenancy Branch

