



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC MND MNSD MNDC CNC MNDC ERP RP LAT FF O

Introduction

This hearing was convened pursuant to applications by the landlord and the tenant. The landlord attended the teleconference hearing but the tenant did not. 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 landlord. Therefore, as the tenant did not attend the hearing by 2:40 p.m., and the landlord appeared and was ready to proceed, I dismiss the tenant's claim without leave to reapply.

In the hearing the landlord indicated that he wished to withdraw the monetary portion of his application. I dismiss the landlord's monetary application with leave to reapply.

Order of Possession

The tenant applied, among other items, to cancel a notice to end tenancy for cause. The landlord applied for an order of possession pursuant to the notice to end tenancy. The effective date of the notice is November 30, 2013. An extension of time to apply to dispute a notice cannot be granted when the effective date has already passed. For these reasons, I grant the landlord an order of possession.

Conclusion

The tenant's application is dismissed in its entirety.

I grant the landlord 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.

The remainder of the landlord's application is dismissed with leave to reapply.

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: December 12, 2013

Residential Tenancy Branch

