



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, AS

Introduction

This was the hearing of an application by the tenant to cancel a two month Notice to End Tenancy for landlord's use. The hearing was conducted by conference call. The landlord's realtor, acting as its agent called in and participated in the hearing. The tenant did not attend, although this was the hearing of the tenant's application. The hearing was continued for 10 minutes to give the tenant an opportunity to call into the hearing.

Issue(s) to be Decided

Should the Notice to End Tenancy date November 30, 2013 be cancelled?

Background and Evidence

The rental property is a house in Langley. The tenant applied to dispute a two month Notice to End Tenancy dated November 30, 2013. The Notice to End Tenancy required the tenant to move out of the rental unit by February 1, 2013. The Notice was given on the ground that all the conditions for sale of the rental unit have been satisfied and the purchaser has asked the landlord in writing, to give the Notice because the purchaser, or a close family member intends in good faith to occupy the rental unit.

Analysis

The tenant had not appeared at the hearing of his application by 1:10 P.M. In the absence of an appearance by the applicant, I dismiss his application for dispute resolution without leave to reapply.

Conclusion

Section 55 of the *Residential Tenancy Act* provides as follows:

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.

I have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective two days after service upon the tenant. This order may be registered in the Supreme Court 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: February 05, 2014

Residential Tenancy Branch

