



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC HOUSING  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      CNC

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") seeking to cancel a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice").

An agent for the respondent landlord (the "agent") and two witnesses for the landlord attended the teleconference hearing. The hearing was by telephone conference call and began as scheduled at 11:00 a.m., Pacific Time, on Monday, April 28, 2014, as per the Notice of a Dispute Resolution Hearing provided to the tenant dated March 10, 2014. The line remained open while the phone system was monitored for ten minutes and the only participants who called into the hearing during this time were an agent and two witnesses for the landlord. The two witnesses for the landlord were not called to provide testimony.

After the ten minute waiting period, the tenant's application was **dismissed in full, without leave to reapply**. Following my dismissal of the tenant's application, the landlord verbally requested an order of possession. Section 55 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.**

**[emphasis added]**

Pursuant to section 55 of the *Act*, **I grant** the landlord an order of possession effective **two (2) days** after service upon the tenant as the effective vacancy date of the 1 Month Notice dated February 26, 2014, with an effective vacancy date of March, 31, 2014, has already passed. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

### Conclusion

The tenant's application has been dismissed in full, without leave to reapply.

The landlord has been granted an order of possession effective two (2) days after service upon the tenant. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, except as otherwise provided under the *Act*, and 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: April 28, 2014

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Residential Tenancy Branch

