



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bentley Driedger Business
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MT; CNR; MNDC

Introduction and Analysis

This Hearing was scheduled to hear the Tenant's application for more time to make an application to cancel a notice to end tenancy; to cancel the 10 Day Notice to End Tenancy issued April 2, 2014 (the "Notice"); and for compensation under the Act, regulation or tenancy agreement.

Preliminary Matters

The application was amended to reflect the correct spelling of the Landlord BD's last name.

This application was scheduled to be heard via teleconference on May 30, 2014, at 9:30 a.m. The Landlord BD signed into the conference and was ready to proceed, however by 9:40 a.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 dispute 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 her application, and therefore I dismiss the Tenant's application **without leave to re-apply**.

The Landlord BD requested an Order of Possession.

Section 55(1) of the Act states:

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.

The Landlord BD testified that he served the Tenant with the Notice on April 2, 2014. The Tenant did not provide a copy of the Notice in evidence. I allowed the Landlord to fax in a copy of the Notice to confirm that it complied with the provisions of Section 52 of the Act.

I am satisfied that the Tenant received the Notice on April 2, 2014, and that it is a valid notice to end tenancy. I find that the effective date of the end of the tenancy was April 12, 2014, and that therefore the Landlords are entitled to an Order of Possession effective 2 days after service of the Order upon the Tenant.

Conclusion

Pursuant to the provisions of Section 55 of the Act, I hereby provide the Landlords with an Order of Possession effective **two days after service** of the Order upon the Tenant. This Order may be filed 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: May 30, 2014

Residential Tenancy Branch

