



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC, AAT

Introduction

This hearing was scheduled for 3:00 p.m. on this date to deal with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause; monetary compensation for damage or loss under the Act, regulations or tenancy agreement; and, access to/from the unit for the tenant or the tenant's guests. The landlord appeared at the hearing; however, the tenant did not appear despite leaving the teleconference call open at least 10 minutes.

Since the respondent appeared and was prepared to deal with this Application for Dispute Resolution, given the tenant's failure to appear, I dismissed the tenant's Application for Dispute Resolution without leave.

The landlord orally requested an Order of Possession.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The tenant filed to dispute a 1 Month Notice to End tenancy for Cause dated March 28, 2014. The tenant's application to cancel the Notice was dismissed as provided above. The landlord orally requested an Order of Possession during the scheduled hearing.

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 above criteria has been met and I provide to the landlord an Order of Possession effective two (2) days after service.

Conclusion

The tenant's application has been dismissed without leave to reapply. The landlord has been provided an Order of Possession effective two (2) days after service as provided under section 55 of the Act.

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 20, 2014

Residential Tenancy Branch

