



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT CNC MNDC LRE FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "*Act*"), requesting more time to make an application to cancel at Notice to End Tenancy, seeking to cancel a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice"), for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

The respondent landlord attended the teleconference hearing. The hearing was by telephone conference call and began as scheduled at 11:00 a.m., Pacific Time, on Wednesday, July 23, 2014, as per the Notice of a Dispute Resolution Hearing provided to the tenant dated June 3, 2014. 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.

After the ten minute waiting period, the tenant's entire 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 May 22, 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: July 23, 2014

Residential Tenancy Branch

