



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPC, CNC

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and the tenant applied for an order to cancel the notice to end tenancy.

On June 24, 2014, the landlord served the tenant with a notice to end tenancy for cause. The reason for the notice was that the rental unit had to be vacated to comply with a government order. The tenant disputed the notice in a timely manner.

The applications of both parties were originally scheduled to be heard on August 21, 2014. The tenant attended the hearing but the landlord did not. The Arbitrator set aside the notice to end tenancy and the landlord applied for a review consideration. In a decision dated August 28, 2014, the reviewing Arbitrator granted the landlord's application and the decision dated August 21, 2014 was suspended pending the outcome of the review hearing.

The review hearing was scheduled for this date, October 21, 2014. The landlord served the tenant with the hearing package on September 05, 2014 by registered mail and filed a copy of the tracking slip. Despite having been served with the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues

Is the landlord entitled to an order of possession or should the notice to end tenancy be set aside?

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy on June 24, 2014 and applied to dispute the notice but did not attend the hearing.

Therefore, the notice is upheld and pursuant to section 55(2) I am issuing a formal order of possession effective on or before 1:00 pm on November 30, 2014. This Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 pm on November 30, 2014.

The tenant's application is dismissed in its entirety.

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: October 21, 2014

Residential Tenancy Branch

