



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE, OLC,

Introduction

The applicant failed to attend the hearing at the appointed starting time. The respondent was present and ready to proceed. I waited 10 minutes past the scheduled start time and monitored the conference call. The applicant failed to attend the hearing. A hearing was in the presence of the respondent and in the absence of the applicant. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy was personally served on the Tenant. I also find that the landlord served a two month Notice to End Tenancy on the agent for the tenant on August 17, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated August 9, 2014?
- b. Whether the tenant is entitled to an order suspending or setting conditions on the landlords right of entry?
- c. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on September 1, 2012. The present rent is \$775 per month payable on the first day of each month in advance. The tenant paid a security deposit of \$387.50 at the start of the tenancy.

On August 17, 2014 the landlord served a 2 month Notice to End on the Tenant setting the end of tenancy for October 31, 2014. The landlord testified that he intends that his father move into the rental unit. .

Analysis

The tenant failed to attend the hearing. As a result I dismissed the tenant's application without leave to re-apply.

Order for Possession

The Residential Tenancy Act provides that where a landlord has made an oral request for an Order for Possession at a hearing where a dispute resolution officer has dismissed a tenant's application to set aside a Notice to End Tenancy, the dispute resolution officer must grant an Order for Possession. The landlord made this request at the hearing. **As a result I granted the landlord an Order for Possession for October 31, 2014 which is the date requested by the landlord.**

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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 10, 2014

Residential Tenancy Branch

