



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNL

Introduction

The tenant applied to cancel a *1 Month Notice to End Tenancy for Cause* and the Application was subsequently amended to also request cancellation of a *2 Month Notice to End Tenancy for Landlord's Use of Property*. Both parties appeared or were represented at the originally scheduled hearing date and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Due to time constraints the original hearing was adjourned and Notices of Adjourned Hearing were sent to the parties by the Branch. At the reconvened hearing only the landlord appeared. The teleconference call was left open for approximately 13 minutes during which time the tenant, or an agent for the tenant, did not appear. Since there was no appearance on part of the tenant at the reconvened hearing his Application was dismissed.

The landlord stated that since the first hearing date he has agreed to permit the tenant use and occupancy of the rental unit until the end of February 2015 due to the tenant's recent health crisis. The landlord orally requested an Order of Possession effective at the end of February 2015 to ensure possession of the unit is returned by then.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Analysis

Section 55(1) 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 find that all of the criteria of section 55(1) have been met and I grant the landlord's request for an Order of Possession. The Order of Possession is effective February 28, 2015 as requested.

Conclusion

The tenant's application to cancel two Notices to End Tenancy has been dismissed. Pursuant to section 55(1) of the Act, the landlord has been provided an Order of Possession effective February 28, 2015 as requested.

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: November 13, 2014

Residential Tenancy Branch

