



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Prompton Real Estate Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNR

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking more time to apply to cancel a notice to end tenancy and to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by an agent for the landlord.

During the hearing, the landlord verbally request an order of possession should the tenant be unsuccessful in his Application.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to more time to submit an Application for Dispute Resolution seeking to cancel a notice to end tenancy and to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to Sections 46 and 66 of the *Residential Tenancy Act (Act)*.

If the tenant is unsuccessful in his Application seeking to cancel the 10 Day Notice to End Tenancy for Unpaid Rent it must be decided if the landlord is entitled to an order of possession, pursuant to Section 55 of the *Act*.

Background and Evidence

The landlord submitted into evidence the following relevant documents:

- A copy of a tenancy agreement signed by the parties on January 20, 2014 for a 1 year fixed term tenancy beginning on February 1, 2014 for a monthly rent of \$1,050.00 due on the 1st of each month with a security deposit of \$525.00 paid;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent issued on November 13, 2014 with an effective vacancy date of November 23, 2014 due to unpaid rent in the amount of \$1,050.00 + 65.00.

Analysis

As the tenant failed to attend this hearing I dismiss his Application for Dispute Resolution in its entirety without leave to reapply.

Section 55(1) of the *Act* states if a tenant makes an Application for Dispute Resolution to dispute a landlord's notice to end tenancy, the director must grant an order of possession to the landlord if, the landlord makes an oral request for an order of possession and the director dismisses the tenant's Application or upholds the landlord's notice.

As I have dismissed the tenant's Application to cancel a notice to end tenancy and the landlord verbally requested an order of possession I find the landlord is entitled to such an order.

Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: December 17, 2014

Residential Tenancy Branch

