



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Realty Executives Eco-World
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

Introduction

This was a hearing with respect to the tenant's application for dispute resolution filed on December 22, 2014. According to the application, he applied to cancel a Notice to End Tenancy for cause. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not attend, although this was the hearing of his application. The conference call was kept open for more than 10 minutes. The tenant did not call in during that period and at 9:12 A.M. the hearing was concluded.

Issue(s) to be Decided

Is there any basis for the relief claimed by the tenant in this application?

Background and Evidence

The rental unit is a basement suite in North Vancouver. The tenancy was for a fixed term ending October 31, 2014. The tenancy agreement required the tenant to move out at the end of the term. In an earlier proceeding the landlord applied for an order for possession. The tenant was served with the application and Notice of Hearing by registered mail. Postal records established that the tenant received the documents on December 12, 2014.

The tenant filed this application on December 22, 2014, but he failed to attend the hearing on December 23, 2014 and an order for possession was granted to the landlord. The order for possession requires the tenant to move out of the rental unit by December 31, 2014. The tenant has not moved out and the landlord has not attempted to enforce the order while this proceeding is outstanding.

Analysis

The tenant failed to attend the December 23, 2014 hearing despite having notice of the hearing. The application before me seeks an order cancelling a Notice to End Tenancy. There is no outstanding Notice to End Tenancy and there is no basis for the tenant's application. The tenant failed to attend this hearing and his application is dismissed without leave to reapply.

Conclusion

The tenant's application has been dismissed. The landlord has a valid order for possession that required the tenant to move out of the rental unit by December 31, 2014. The landlord is at liberty to enforce the order for possession.

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: January 20, 2015

Residential Tenancy Branch

