



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This matter was set for hearing at 11.00 a.m. on this date to hear the tenant's application disputing a One Month Notice to End Tenancy for cause. Since the applicant did not appear at the hearing by 11.18 a.m., but the respondent did appear and was ready to proceed, I dismissed the tenant's application without leave to reapply, pursuant to rule 10.1 of the Residential Tenancy Branch Rules of Procedure.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Analysis

The tenant has failed to appear for a scheduled Dispute Resolution hearing and as a result the tenant's application to set aside a One Month Notice to End Tenancy for cause has been dismissed.

Section 55(1) of the *Act* provides that if a tenant's application to dispute a Notice to End Tenancy Due is dismissed, and the landlord makes an oral request for an Order of Possession, then the director must issue an Order of Possession of the rental unit to the landlord.

The landlord has made an oral request for an Order of Possession for the rental unit at the hearing. The Notice was served on April 29, 2015 by posting it to the tenant's door. S. 47(2) of the *Act* states:

(2) A notice under this section must end the tenancy effective on a date that is

(a) not earlier than one month after the date the notice is received, and

(b) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement.

The Notice is deemed to have been received by the tenant on May 02, 2015 pursuant to s.90(c) of the *Act* and the effective date of the Notice is therefore amended to June 30, 2015, pursuant to section 53 of the *Act*. I therefore grant the landlord's request and issue an Order of Possession for June 30, 2015.

Conclusion

The tenant's application disputing a One Month Notice to End Tenancy is dismissed without leave to re-apply.

The landlord has been issued an Order of Possession effective **on June 30, 2015** pursuant to section 55(1) of the *Act*. If the tenant fails to comply with this Order, the Order may be filed with the Supreme Court of British Columbia and 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: May 26, 2015

Residential Tenancy Branch

