



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CENTURY 21 PERFORMANCE AND MGMT & MURCAHDA
ENTERPRISES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNC

Introduction

This matter was convened in response to the tenant's application filed on May 19, 2015 disputing a One Month Notice to End Tenancy for Cause issued by the landlord on May 06, 2015 by posting to the tenant's door, with an effective date of June 30, 2015.

The respondent landlord attended the hearing, but the applicant tenant did not. The landlord orally requested an Order of Possession in this matter.

Issues(s) to be Decided

Should the landlord's Notice to end be cancelled?
Is the landlord entitled to an Order of Possession?

Background and Evidence

This tenancy started May 15, 2014. The undisputed testimony of the landlord is that they served the tenant the 1 Month Notice to End for Cause on May 06, 2015 by posting it to their door. On June 02, 2015 the landlord did an inspection of the unit and confirmed that a different individual than the tenant was also residing in the unit whom has since been joined by an additional individual unknown to the landlord.

Analysis

The tenant and applicant in this matter failed to appear for a scheduled Dispute Resolution hearing and as a result their application to set aside a One Month Notice to End Tenancy for Cause is **dismissed**, without leave to reapply.

Section 55 of the *Act* provides that if a tenant's application to dispute a Notice to End Tenancy is dismissed, and the landlord makes an oral request for an Order of Possession, then the Director *must* give an Order of Possession of the rental unit to the landlord. The landlord did make such a request for an Order of Possession to the rental unit. As the effective date of the Notice has passed, the landlord will be issued an Order of Possession the effective 2 days from the day it is served on the tenant.

Conclusion

The tenant's application disputing a One Month Notice to End Tenancy with an effective date of January 31, 2014 has been **dismissed**, without leave to re-apply.

The landlord is issued an Order of Possession **effective 2 days** from the day it is served on the tenant. If necessary, this Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

This Decision and order is final and binding on both parties.

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: July 07, 2015

Residential Tenancy Branch

