



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes MT, CNC, OPC,

This hearing was convened in response to applications by the tenant and the landlord.

The tenant's application is seeking orders as follows:

1. To cancel a 1 Month Notice to End Tenancy for Cause, issued on July 9, 2015, and
2. To recover the cost of filing the application.

The landlords' application is seeking orders as follows:

1. For an order of possession; and
2. To recover the cost of filing the application.

The landlord appeared.

### Tenant's application

This matter was set for hearing by telephone conference call at 11:00 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenant did not attend the hearing by 11:10 A.M, and the landlord appeared and was ready to proceed, I dismiss the tenant's application without leave to reapply.

Since the tenant's application is dismissed and the landlord requested an order of possession at the hearing, pursuant to section 55 of the Act, I must grant this request.

Section 55(1) of the Act states:

Order of possession for the landlord

- 55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of

possession of the rental unit to the landlord if, at the time scheduled for the hearing,

- (a) the landlord makes an oral request for an order of possession, and
- (b) the director dismisses the tenant's application or upholds the landlord's notice.

I have dismissed the tenant's application, I find that the landlords are is entitled to an order of possession. However, I find the effective date stated in the notice is earlier than the earliest date permitted under the Act. Therefore, I find the earliest date that complies with the Act, is August 31, 2015.

Therefore, the landlords are entitled to an order of possession effective **August 31, 2015 at 1:00pm**. This order may be filed in the Supreme Court and enforced as an order of that Court.

The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

As the landlord application for an order of possession was successful, I find the landlord is entitled to recover the filing fee from the tenant. The landlord is authorized to deduct the amount of \$50.00 from the tenant's security deposit if full satisfaction of this award.

### Conclusion

The tenant's application is dismissed. The landlords are is granted an order of possession. The landlord is authorized to deduct \$50.00 from the tenant's security deposit to recover the cost of the filing fee from the tenant.

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: August 07, 2015

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Residential Tenancy Branch

