



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Willow Point Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNR, AS

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking more time to cancel a notice to end tenancy; to cancel a notice to end tenancy and to allow the tenant to assign or sublet the rental unit.

The hearing was conducted via teleconference and was attended by the landlord's agent only.

During the hearing the landlord requested an order of possession should the tenant be unsuccessful in his Application for Dispute Resolution.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to more time to cancel a notice to end tenancy; to cancel a 10 Day Notice to End Tenancy for Unpaid Rent; and to be allowed to assign or sublet the rental unit, pursuant to Sections 34, 46, and 66 of the *Residential Tenancy Act (Act)*.

Should the tenant be unsuccessful in seeking to cancel the 10 Day Notice to End Tenancy for Unpaid Rent it must also be decided if the landlord is entitled to an order of possession pursuant to Section 55(1) of the *Act*.

Background and Evidence

The landlord has submitted into evidence a copy of a tenancy agreement signed by the parties on January 24, 2015 for a 3 month fixed term tenancy beginning on February 1, 2015 that converted to a month to month tenancy on May 1, 2015 for a monthly rent of \$840.00 due on the 1st of each month with a security deposit of \$420.00 paid.

Both parties submitted into evidence a 10 Day Notice to End Tenancy for Unpaid Rent issued on July 3, 2015 with an effective vacancy date of July 17, 2015 due to \$840.00 in unpaid rent. The tenant submitted on his Application for Dispute Resolution that he received this Notice on July 4, 2015.

Analysis

In the absence of the applicant tenant, I dismiss his Application for Dispute Resolution in its entirety.

Section 55(1) of the *Act* states that if a tenant applies to dispute a landlord's notice to end tenancy and their Application for Dispute Resolution is dismissed or the landlord's notice is upheld and the landlord request one an order of possession must be granted to the landlord.

As I have dismissed the tenant's Application and the landlord verbally requested an order of possession during the hearing, I find the landlord is entitled to such an order pursuant to Section 55 of the *Act*.

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: September 09, 2015

Residential Tenancy Branch

