



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, CNR, MNDC, OLC

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the "Act") for Orders as follows:

1. A Monetary Order for compensation - Section 67;
2. An Order cancelling two notices to end tenancy - Sections 46 and 47; and
3. An Order for the Landlord's compliance - Section 62.

After waiting for 15 minutes after the hearing was scheduled, the Tenant failed to attend to present their claim. The Landlord appeared on time and was ready to proceed. In the absence of the Tenant who made the application, I dismissed the Tenant's application.

The effective date of the most recent notice to end tenancy is September 12, 2015. The Landlord stated that the Tenant paid a portion of October 2015 rent and the Landlord asked for an order of possession effective 1:00 p.m. on October 31, 2015. The Landlord also indicated that the second named applicant is the child of the Tenant and is not named as a party to the tenancy agreement.

Section 55(1) provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, an order of possession must be granted to the landlord if, at the time scheduled for the hearing, the landlord makes an oral request for an order of possession, and the tenant's application is dismissed or the landlord's notice is upheld. As the Tenant's application was dismissed the effect is the same as if the Tenant had not made an application to dispute the notice and the Tenant must move now out of the unit. Despite the Landlord's right to an immediate order of

possession, given the Landlord's oral request for a later order of possession I granted this **order of possession effective 1:00 p.m. on October 31, 2015.** As

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: October 14, 2015

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Residential Tenancy Branch

