



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PORT TOWN INVESTMENT LTD. PARTNERSHIP  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      CNC MT

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "*Act*"), requesting more time to make an application to cancel at Notice to End Tenancy and to cancel a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") dated December 21, 2015.

An agent for the landlord attended the teleconference hearing which began promptly this date at 9:30 a.m. Pacific Time on Tuesday, February 16, 2016 by conference call as per the Notice of a Dispute Resolution Hearing provided to the tenant dated January 4, 2016. 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 agent for the landlord.

After the ten minute waiting period, the tenant's application was **dismissed in full, without leave to reapply**. Section 55 of the *Act* applies and 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** to the landlord **an order of possession of the rental unit if**

(a) **the landlord's notice to end tenancy complies with section 52** *[form and content of notice to end tenancy]*, **and**

(b) the director, during the dispute resolution proceeding, **dismisses the tenant's application** or upholds the landlord's notice.

[my emphasis added]

The agent for the landlord stated that the landlord was willing to agree to an order of possession with an effective vacancy date of February 29, 2016 at 1:00 p.m. Pursuant to section 55 of the *Act*, I must grant the landlord an order of possession after dismissing the tenant's application to cancel the 1 Month Notice as the 1 Month Notice does comply with section 52 of the *Act*. Therefore, **I grant** the landlord an order of possession effective **February 29, 2016 at 1:00 p.m.**

### Conclusion

The tenant's application has been dismissed in full, without leave to reapply.

The landlord has been granted an order of possession effective February 29, 2016 at 1:00 p.m. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, except as otherwise provided under the *Act*, and 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: February 16, 2016

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Residential Tenancy Branch

