



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NEIGHBOURHOOD HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

FINAL DECISION

Dispute Codes MT CNR OLC OT

Introduction

This proceeding and today's hearing was reconvened pursuant to an Interim Decision dated December 04, 2018. Pursuant to the *Preliminary matters* determination of that date the relevant matter before today's hearing is the tenant's application filed October 24, 2018 to cancel a Notice to End Tenancy (the Notice), dated October 12, 2018.

The applicant tenant was provided with a copy of the Notice of this adjourned Dispute Resolution Hearing date following my Interim Decision of this matter. The tenant, however, did not attend today's hearing set for 9:30 a.m. The phone line remained open for no less than ten minutes and was monitored throughout this time. The only party to call into the hearing was the respondent landlord's representative. As a result of the tenant's late filing of their application, but moreover as the result of the tenant's absence in this matter, the tenant's application was **dismissed without leave to reply**.

Issue(s) to be decided

Is the landlord entitled to an Order of Possession pursuant to Section 55(1) of the Residential Tenancy Act (the Act)?

Analysis

I find the landlord's Notice to End dated October 12, 2018 complies with the form and content required by **Section 52** of the act and is valid. **Section 55(1)** of the Act states that if I dismiss the tenant's application or uphold the landlord's Notice to End I must grant the landlord an Order of Possession. As further result in this matter the landlord is entitled to such an Order as follows.

I grant an Order of Possession to the landlord effective 2 days from the day

it is served on the tenant. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The tenant's application is dismissed without leave to reply.
The landlord is given an Order of Possession in the above terms.

This Decision is final and binding.

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: January 28, 2019

Residential Tenancy Branch