

DECISION

Dispute Codes OPC, CNC

Introduction

There are applications filed by both parties. The Landlord is seeking an order of possession resulting from a 1 month notice to end tenancy for cause. The Tenant is seeking an order to cancel the 1 month notice to end tenancy for cause.

The Landlord's agents attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. This matter was set for a conference call hearing at 11:30 a.m. on this date. At 11:40 a.m. the Tenant's application was dismissed.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord states that the notice of hearing and evidence package was personally served to the Tenant on August 15, 2011 by both managers, A.L. and B. M. The Landlord also states that the Tenant was personally served on July 20, 2011 with the 1 month notice to end tenancy for cause. The notice displays a move-out date of August 31, 2011. The Landlord has also included documentary evidence in support of the reasons for cause.

The Landlord refers to a letter sent from the Landlord indicating that he is both filing an application for dispute resolution and also of formal written notice to end the tenancy dated July 31, 2011 on August 31, 2011.

Analysis

Based upon the undisputed testimony and documentary evidence provided by the Landlord, I am satisfied that the Tenant was properly served with both the 1 month notice to end tenancy and the notice of hearing documents.

I make a find that the Landlord has established a claim for an order of possession. The Tenant has not attended in response to the Landlord's application or his own application to obtain an order to cancel the notice to end tenancy. The Tenant is conclusively

presumed to accept that the Tenancy is at an end. The Landlord is granted an order of possession on the effective date of the notice on August 31, 2011 at 1:00 p.m. The Tenant must be served with the 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 Landlord is granted an order of possession.

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 25, 2011.

Residential Tenancy Branch