



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This hearing was convened in response to an application filed by the landlord who is seeking an Order of Possession based on a Notice to End Tenancy given for cause.

Both parties appeared at the hearing of this matter.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord submits that a hearing was held on June 6, 2012 in response to an application filed by the tenant seeking to cancel a Notice to End Tenancy given for cause dated May 14, 2012 with an effective date of July 1, 2012. In a Decision rendered on June 7, 2012 the tenant's application was dismissed in its entirety. The landlord testified that he failed to request an Order of Possession at that hearing and he is now wishing to receive that Order.

Further, the landlord submits that while the Notice to End Tenancy set July 1, 2012 as the effective date, the landlord is requesting to change that date to August 1, 2012.

The tenant attended and requested an adjournment stating that her advocate was unable to attend the hearing with her.

Analysis

With respect to the request for adjournment the request is denied. There is no requirement for tenants to have advocates attend with them. Further the matter to be resolved at this hearing is merely a formality. It is not an opportunity for the tenant to make further argument regarding the Notice to End Tenancy.

When a tenant seeks to cancel a Notice to End Tenancy and the tenant's application is dismissed the landlord is entitled, upon request, for an Order of Possession. The landlord is now making that request and he is entitled to that Order based on the decision rendered June 7, 2012.

The landlord has requested a change of effective date and as this allows the tenant more time I find this to be a reasonable request which I will allow.

Conclusion

The landlord is provided with a formal copy of an Order of Possession. This is a final and binding Order enforceable as any Order of the Supreme Court of British Columbia.

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: June 28, 2012.

Residential Tenancy Branch