



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC and OLC

Introduction

This hearing was convened on the tenant's application of September 20, 2012 to have set aside a one-month Notice to End Tenancy for cause dated September 10, 2012. The notice set an end of tenancy date of October 10, 2012 which is amended automatically by section 46 of the *Act* to October 31, 2012, the end of the next rental period following service.

The tenant also sought an order for landlord compliance with the legislation with respect to assurance of her right to quiet enjoyment.

Despite having made this application, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing which was attended by the respondent landlord. Therefore, the application was dismissed without leave to reapply.

On hearing that determination, the landlord requested an Order of Possession under section 48(1) of the *Act* which compels the issuance of the order on the landlord's oral request when a tenant's application to set aside is dismissed or the notice is upheld.

Accordingly, I find that the landlord is entitled to an Order of Possession with an effective date of November 30, 2012 as he requested..

The landlord asked that the record include his expressed preference to rehabilitate and continue the tenancy. He stated that he intended to enforce the Order of Possession only if the tenant's conduct that led to the notice continues, including late night disturbances of other tenants in particular.

Conclusion

In the absence of the applicant tenant with attendance by the respondent landlord, the application is dismissed without leave to reapply.

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect no later than 1 p.m. on November 30, 2012.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: October 26, 2012.

Residential Tenancy Branch