



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Westsea Construction
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant under the *Residential Tenancy Act* (the "Act") to cancel a 1 Month Notice to End Tenancy for Cause.

On March 1, 2013, the hearing began and was adjourned due to an agent for the tenant who testified under oath that the tenant was in the hospital on March 1, 2013. An interim decision was mailed to the parties on March 1, 2013 ordering the tenant to submit records to prove that she was in the hospital on March 1, 2013 which the tenant did. The tenant provided records confirming that she was discharged from the hospital on March 4, 2013.

The parties were provided with a copy of a Notice of an Adjourned Hearing indicating the reconvened date and time of **March 26, 2013 at 1:30 p.m.** The tenant, however, did not attend the reconvened hearing set for today at 1:30 p.m. The phone line remained open for ten minutes and was monitored throughout this time. The only parties to call into the reconvened hearing were an agent for the landlord, a resident manager for the landlord, and the same police officer witness who attended the start of the hearing on March 1, 2013.

Analysis and Conclusion

Following the ten minute waiting period, **the application of the tenant was dismissed without leave to reapply.**

After the application of the tenant was dismissed, the agent for the landlord made an oral request for an order of possession. Pursuant to section 55 of the *Act*, **I grant** the landlord an order of possession effective **2 days** after service on the tenant.

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: March 26, 2013

Residential Tenancy Branch

