Dispute Resolution Services

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 was convened on an application by the tenant made on March 28, 2013 seeking to have set aside a one-month Notice to End Tenancy for cause served on March 28, 2013 and setting an end of tenancy date of April 30, 2013.

Causes cited on the notice were: allowing an unreasonable number of occupants, jeopardy of the health, safety or lawful right of other occupants and engaging in illegal activity adversely affecting the quiet enjoyment, security, safety or physical well being of another occupant or the landlord.

Despite having made this application, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing which was attended by the resident manager and one of the building owners.

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

On hearing that determination, the landlords requested an Order of Possession under section 55(1) of the *Act,* which compels the issuance of the Order when an application to set is aside a Notice to End Tenancy is dismissed.

Accordingly, the landlord's copy of this decision is accompanied by an Order of Possession to take effect at 1 p.m. on April 30, 2013 as set on the Notice to End Tenancy.

Conclusion

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, effective at 1 p.m. on April 30, 2013 for service on the tenant.

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: April 26, 2013

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Residential Tenancy Branch