



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPC, CNC, FF*

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for the recovery of the filing fee. The tenant applied to cancel the notice to end tenancy.

On June 28, 2013, the tenant informed the Residential Tenancy Branch that he would not be proceeding with his application. Therefore the tenant's application was cancelled prior to this hearing. Accordingly, this hearing only dealt with the landlord's application.

The landlord testified that he served the tenant with a notice of hearing on June 24, 2013, in person in the presence of a witness. Despite having been served a notice of hearing by the landlord, the tenant did not attend the hearing.

The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord and tenant entered into a tenancy agreement on December 01, 2012. The monthly rent is \$2,770.00 payable on the first of each month.

On June 04, 2013, the landlord served the tenant with a one month notice to end tenancy for cause, with an effective date of July 31, 2013. The tenant disputed the notice in a timely manner but cancelled his application prior to the hearing. The tenant was served with a copy of the landlord's application and notice of hearing but did not attend the hearing.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept his evidence in respect of the claim. The tenant received the notice to end tenancy on June 04, 2013, and applied to dispute the notice but did not attend the hearing.

Therefore, the notice is upheld and pursuant to section 55(2) I am issuing a formal order of possession effective on or before 1:00 pm on July 31, 2013. This Order may be filed in the Supreme Court for enforcement.

The landlord may retain \$50.00 from the security deposit towards the recovery of the filing fee.

Conclusion

I grant the landlord an order of possession effective on or before **1:00 pm on July 31, 2013.**

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: July 03, 2013

Residential Tenancy Branch

