



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vista Pacific Properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNC / OPC

Introduction

This hearing concerns the tenant's application for cancellation of a notice to end tenancy for cause. The hearing was scheduled to commence by telephone conference call at 11:30 a.m. on September 29, 2014. The landlord's agents were present at that time and gave affirmed testimony. By 11:40 a.m. the tenant had still not appeared and the hearing was ended. During the hearing the landlord's agents made an oral request for an order of possession in the event the tenant's application does not succeed.

Issue(s) to be Decided

Whether either party is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began on November 01, 1999. The current monthly rent is \$1,159.97, and a security deposit of \$400.00 was collected near the start of tenancy.

Pursuant to section 47 of the Act which speaks to **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated July 15, 2014. The notice was served at the unit on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is August 31, 2014. There are several reasons identified on the notice in support of its issuance. The tenant filed an application to dispute the notice on July 17, 2014.

Analysis

Section 55 of the Act addresses **Order of possession for the landlord**, and provides in part as follows:

55(1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agents, I find that the tenant was served with a 1 month notice to end tenancy for cause dated July 15, 2014. While the tenant filed an application to dispute the notice within the 10 day period available for doing so on July 17, 2014, the tenant did not attend the hearing scheduled in response to her application. Accordingly, the tenant's application is hereby dismissed, and I find that arising from the oral request of the landlord's agents during the hearing, the landlord has established entitlement to an **order of possession**. In response to the landlord's agents' request, the order of possession is made effective not later than **Sunday, November 30, 2014**.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **Sunday, November 30, 2014**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: September 29, 2014

Residential Tenancy Branch

