Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   CNC

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant for an order cancelling a notice to end tenancy for cause.

The landlord attended the hearing and was prepared to respond to the tenant's application, however, the tenant did not attend. The line remained open while the phone system was monitored for 15 minutes and the only participant who joined the call was the landlord. Therefore, I hereby dismiss the tenant's application without leave to reapply.

During the hearing, the landlord asked for an order of possession.

Issue(s) to be Decided

Is the landlord entitled to an order of possession of the rental unit?

Background and Evidence

The tenant has provided a copy of a 1 Month Notice to End Tenancy for Cause which is dated August 10, 2014 and contains an expected date of vacancy of September 30, 2014. The landlord advised that it is a true copy of the notice the landlord served on the tenant.

Analysis

The *Residential Tenancy Act* states that where I refuse to cancel a notice to end tenancy and a landlord orally requests an order of possession during the hearing, I must grant the order of possession. In this case, having dismissed the tenant's application for an order cancelling the notice, I must provide an order of possession in favour of the

landlord, and I so order. Since the effective date of the notice has already passed, I grant the order of possession on 2 days notice to the tenant.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed without leave to reapply.

I hereby grant an order of possession in favour of the landlord on 2 days notice to 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: October 10, 2014

_____
Residential Tenancy Branch