



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      CNC MNDC RP RR FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to cancel a notice to end tenancy for cause, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, to make repairs to the unit, site or property, to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, and to recover the cost of the filing fee from the Landlord for this application.

The applicant Tenant did not appear at the scheduled hearing however the respondent Landlord appeared, gave affirmed testimony, was provided the opportunity to present his evidence orally, in writing, and in documentary form.

### Issues(s) to be Decided

1. Is the Tenant's application upheld or dismissed?
2. If dismissed has the Landlord attended and requested an Order of Possession?

### Background and Evidence

The Landlord testified that they entered into a written tenancy agreement effective approximately April 30, 2010, and the current rent is \$600.00. The Tenant has caused several problems for his family which has caused him to issue her the 1 Month Notice to End Tenancy for Cause.

The Landlord stated that he appeared at the hearing today because he needs the Tenant to move out. He requested that I enforce the Notice to End Tenancy he had issued and asked that an Order of Possession be issued so he can get her to move out.

Analysis

All of the testimony and documentary evidence was carefully considered.

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing. In the absence of the applicant Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenant called into the hearing during this time. Based on the aforementioned I find that the Tenant has failed to present the merits of her application and the application is hereby dismissed.

Section 55 of the Act provides that an Order of Possession must be provided to a Landlord if a Tenant's request to dispute a Notice to End Tenancy is dismissed and the Landlord makes an oral request for an Order of Possession during the scheduled hearing. Therefore, I hereby award the Landlord an Order of Possession.

Conclusion

I HEREBY DISMISS the Tenant's application, without leave to reapply.

I HEREBY FIND that the landlord is entitled to an Order of Possession effective **2 Days upon service to the Tenant**. This order must be served on the Respondent Tenant and may be filed in the Supreme Court 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: March 30, 2011.

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Residential Tenancy Branch