



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was scheduled for 1:30 p.m. on today's date to deal with a tenant's application to cancel a Notice to End Tenancy for Unpaid Rent. The tenant did not appear at the hearing despite leaving the teleconference call open for at least 10 minutes. The landlord was in attendance at the commencement of the hearing and was prepared to deal with the tenant's application. Since the applicant tenant failed to appear at the hearing I dismissed the application without leave to reapply.

The landlord orally requested an Order of Possession during the hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

I heard that the landlord personally served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent on June 13, 2012. On June 14, 2012 the tenant filed this application to dispute the Notice. The tenant's application has been dismissed.

Analysis

Section 55 of the Act provides, in part:

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.

In this case, the tenant's application to cancel a Notice to End Tenancy has been dismissed and the landlord orally requested an Order of Possession at the scheduled hearing. Therefore, I find the criteria for section 55(1) have been met and the landlord is entitled to receive an Order of Possession.

Provided with this decision is an Order of Possession effective two (2) days after service upon the tenant.

Conclusion

The tenant's application has been dismissed and the landlord has been provided an Order of Possession effective two (2) days after service upon 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: July 05, 2012.

Residential Tenancy Branch