



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RCB Enterprises
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FF

Introduction

This matter was set for hearing at 9:00 a.m. on this date to hear the tenant's application disputing a One Month Notice to End Tenancy for cause issued by the landlord on January 20, 2014. Since the applicant did not appear at the hearing by 9:10 a.m., but the respondent did appear and was ready to proceed, I dismissed the tenant's application without leave to reapply pursuant to rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Analysis

The tenant has failed to appear for a scheduled Dispute Resolution hearing and as a result his application to set aside a One Month Notice to End Tenancy for cause has been dismissed.

Section 55 of the *Residential Tenancy Act (Act)* provides that if a tenant's application to dispute a Notice to End Tenancy is dismissed, and the landlord makes an oral request for an Order of Possession, then the director must grant an Order of Possession of the rental unit to the landlord.

The landlord has made an oral request for an Order of Possession of the rental unit at this hearing pursuant to s. 55(1)(a) of the *Act*. The One Month Notice has an effective date of February 20, 2014 and this date has been amended to February 28, 2014 pursuant to s. 53 of the *Act* as it must be one clear months notice. As this date has since passed I grant the landlord's request and have issued an Order of Possession for the rental unit effective two days after service upon the tenant.

Conclusion

The tenant's application disputing a One Month Notice to End Tenancy for cause has been dismissed without leave to re-apply. The tenant must also bear the cost of filing his own application.

The landlord has been issued an Order of Possession effective **two (2) days** after it has been served upon the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court in the event the tenant does not comply with this Order.

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 13, 2014

Residential Tenancy Branch

