Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0896572BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNR

Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenants have applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent issued on May 2, 2014.

This matter was set for hearing at 10:30 a.m. on this date. The tenants did not attend the hearing. The landlord was present at the scheduled start time of the hearing.

The Act provides:

> **Commencement of the dispute resolution proceeding**
> *The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.*

In the absence of an appearance by either of the tenants by 10:40 a.m., I find that this application is abandoned and dismissed without leave to reapply. The effective date of the Notice, May 12, 2014, has passed.

The landlord said that the rent has not been paid. The landlord requested an Order of possession.

If a tenant makes an Application to cancel a Notice ending tenancy and at the hearing the landlord requests an Order of possession, section 55 of the Act determines that an Order may be issued if the arbitrator dismisses the tenant's Application.

As the landlord has requested an Order of possession and the tenant's application is dismissed, I find, pursuant to section 55(1) of the Act, that the landlord is entitled to an Order of possession effective 2 days after service to the tenants.

Conclusion

The tenant's application is dismissed.

The landlord has been issued an Order of possession.

This decision is final and binding and 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: June 25, 2014

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Residential Tenancy Branch