



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding JERUTH HOLDINGS & SIMON ASTIN
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, MT, RR

Introduction

This matter dealt with an application by the Tenant to cancel a Notice to End Tenancy for Unpaid Rent, for more time to make the application and for a rent reduction.

The hearing started at 11:00 a.m. as scheduled, however by 11:10 a.m. the Tenant had not dialled into the conference call. In the absence of any evidence from the Tenant to support the application, the application is dismissed without leave to reapply.

During the hearing the Landlord requested an Order of Possession if the Tenant's application was unsuccessful.

Analysis

Section 55 (1) of the Act says: 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.

Conclusion

The Tenant's application is dismissed without leave to reapply.

I find, pursuant to section 55 of the Act, that the landlords are entitled to an Order of Possession effective **two days after service** on the tenant and the Order 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 24, 2015

Residential Tenancy Branch

