



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Fraser Property Mgmt ITF Q823734 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MT, CNR

Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenant has applied requesting more time to cancel a 10 day Notice to end tenancy for unpaid rent issued on February 2, 2015 and to cancel a 10 Day Notice to End Tenancy for Unpaid Rent.

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

Residential Tenancy Branch Rules of Procedure provides:

10.1 Commencement of the dispute resolution proceeding

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator 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 the tenant by 10:40 a.m., this application is abandoned and dismissed without leave to reapply.

During the hearing the landlord asked how they could evict the tenant; the landlord confirmed they want to take possession of the unit.

Section 55(1) of the Act provides:

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

As the landlord confirmed they wished to evict the tenant I find that request was the equivalent of the landlord requesting an Order of possession. Therefore, as 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.

The landlord has been granted an Order of possession that is effective **two days after it is served upon the tenant**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The application is dismissed.

The landlord is entitled to 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: March 30, 2015

Residential Tenancy Branch

