



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KENDALL PROPERTY MANAGEMENT  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MT, CNC

### Introduction

This matter was set for hearing at 1.30 p.m. on this date to hear the tenant's application to have a One Month Notice to End Tenancy for Cause set aside. Since the applicant did not appear at the hearing by 11.13 a.m., but the respondent did appear and was ready to proceed, I dismiss the tenant's application without leave to reapply pursuant to rule 7.3 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 the tenant's application to set aside a One Month Notice to End Tenancy for Cause has been dismissed.

Section 55(1) of the *Act* provides that if a tenant's application to dispute a Notice to End Tenancy Due is dismissed, and the landlord makes an oral request for an Order of Possession at the hearing, then the director must issue an Order of Possession of the rental unit to the landlord.

The landlord has made an oral request for an Order of Possession for the rental unit at the hearing. The effective date of the One Month Notice was September 31, 2015; as

this date has since passed I grant the landlord's oral request and issue an Order of Possession effective two days after service.

Conclusion

The tenant's application is dismissed without leave to re-apply.

The landlord has been issued an Order of Possession effective **two (2) days** after service upon the tenant pursuant to section 55(1) of the *Act*. This Order must be served on the tenant. If the tenant remains in Possession of the rental unit and does not relinquish that possession to the landlord then the Order may be filed in the Supreme Court of British Columbia 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: November 18, 2015

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Residential Tenancy Branch

