



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

CNC

Introduction

This hearing was to deal with the tenant's application to dispute a one month Notice to End Tenancy for Cause served on June 6, 2009. The notice was served on the basis that the tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord, the tenant has breached a material term of the tenancy agreement which was not corrected within a reasonable time after written notice to do so, and the tenant has assigned or sublet the rental unit without the landlord's written consent.

The hearing was scheduled to begin on this date by conference call at 1:00 p.m. The landlord appeared at the scheduled time. By 1:20 p.m. the tenant had not appeared for the hearing.

Analysis

I find that the tenant has abandoned this application. As the landlord was present and ready to proceed I find that the tenant's application should be dismissed without leave to re-apply.

Pursuant to section 55 (1) states:

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.

I have dismissed the tenant's application. The landlord requested an Order of Possession during the hearing. As a result I grant the landlord's request for an Order of Possession effective **two (2) days** after it is served upon the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.



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Conclusion

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*.

The tenant failed to appear for the application and his application has been dismissed without leave to re-apply. The landlord requested and was granted an Order of Possession pursuant to section 55 (1) of the *Act*.

Dated: July 28, 2009.

Dispute Resolution Officer