



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      CNR, LRE

### Introduction

This matter dealt with an application by the tenant to cancel a 10 Day Notice to End Tenancy for unpaid rent and for an Order to suspend or set restrictions on the landlord's right to enter the rental unit.

The matter was set for a hearing at 11 am on this date. The hearing went ahead as scheduled and the respondent dialed in to the hearing. However, after waiting for more than 10 minutes the applicant failed to dial into the conference call. Therefore, no hearing took place and the tenants' application is dismissed without leave to reapply.

The landlord has requested an Order of Possession. He issued a 10 Day Notice to End Tenancy for unpaid rent to the tenant on June 08, 2009. The landlord states that the tenant has not paid rent for June or July, 2009. The landlord faxed a copy of this Notice to me.

### Analysis

I find that the tenants' application is dismissed as he has failed to appear at the hearing held today to hear his application to cancel the 10 Day Notice for unpaid rent.

Pursuant to section 55(1) of the Act:

- 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,



# Dispute Resolution Services

Page: 2

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- (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.

On the basis of this, I uphold the landlords 10 Day Notice and grant him an Order of Possession.

## Conclusion

The tenants' application is dismissed in its entirety.

An Order of Possession has been issued to the landlord. A copy of the Orders must be served on the tenant and the tenant must vacate the rental unit **two days** after service. The Order of Possession may be enforced in the Supreme Court of British Columbia.

I further Order that the applicant pay the filing fee of **\$50.00** that was previously waived to the director of the Residential Tenancy Office.

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: July 15, 2009.

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