



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Code

CNR, MNDC

This matter was set for hearing at 9:00 am on this date. The applicant/tenant failed to attend the hearing by 9:10 am. The Act states:

Commencement of the dispute resolution proceeding

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer 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/applicant and, in the presence of the landlord/respondent, this application is abandoned and dismissed without leave to reapply.

At the conclusion of the hearing the landlord made a request for an Order of possession. Section 55 of the act provides:

- (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.

(Emphasis added)

Therefore, I find that the landlord is entitled to an Order of possession effective two days after service to the tenant.

Conclusion

The landlord has been granted an Order of possession that is effective **within two days of service 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.

The tenant's application for dispute resolution is dismissed without leave to reapply.

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 23, 2009.

Dispute Resolution Officer