

DECISION

Dispute Codes: CNR

Introduction

This application was brought by the tenant seeking to have set aside a 10-day Notice to End Tenancy for unpaid rent served on November 19, 2009.

Despite having made this application and having served the landlord with the Notice of Hearing, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, the application is dismissed without leave to reapply.

On hearing that determination, the landlord requested an Order of Possession pursuant to section 55(1) of the *Act*. This section provides that if a tenant's application to set aside a Notice to End Tenancy is dismissed or if the notice is upheld, the landlord may request, and the Dispute Resolution Officer must issue, an Order of Possession.

Accordingly, the landlord's copy of the decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect at 1 p.m. on January 31, 2010 as requested by the landlord

While the *Act* makes provision for landlords to request and obtain an Order of Possession on a tenant's application, landlords must bring their own application if they wish consideration of a Monetary Order.

In this instance, the landlord remains at liberty to make application for the unpaid rent claimed on the Notice to End Tenancy and for any damage or losses as may be ascertained at the end of the tenancy.

January 4, 2010