

## **Decision**

**Dispute Codes:** MT, CNC

### **Introduction**

This hearing dealt with an application by the tenant for more time to make an application to cancel a notice to end tenancy, and cancellation of the 1 month notice to end tenancy for cause.

### **Issues to be decided**

- Whether the tenant is entitled to the above under the Act

### **Background and Evidence**

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on April 1, 2009. Rent in the amount of \$540.00 is payable in advance on the first day of each month. A security deposit of \$265.00 was collected on April 1, 2009.

The landlord issued a 1 month notice to end tenancy for cause dated December 23, 2009. The tenant filed an application for more time to dispute the notice, and to dispute the notice itself on January 8, 2010. Subsequently, a hearing was scheduled to commence by way of tele-conference call at 11:30 a.m. on February 18, 2010. The landlord's agent attended the hearing at 11:30 a.m. and made an oral request for an order of possession. As at 11:40 a.m. the tenant had still not appeared.

### **Analysis**

This hearing was scheduled in response to an application from the tenant. The tenant did not appear, and the landlord's agent who attended the hearing made an oral request for an order of possession.

Section 55 of the Act speaks to **Order of possession for the landlord**, and provides in part as follows:

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.

As the tenant did not attend the hearing which was scheduled in response to her application, the tenant's application is hereby dismissed. In response to the request of the landlord's agent, and pursuant to the above statutory provisions, I hereby issue an order of possession in favour of the landlord.

### **Conclusion**

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

DATE: February 18, 2010

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Dispute Resolution Officer