

DECISION

Dispute Codes MT CNR FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to obtain an Order to cancel a notice to end tenancy for unpaid rent, to allow the Tenant more time to make her application, and to recover the cost of the filing fee from the Landlord for this application.

No one was in attendance for the applicant Tenant however the respondent Landlord appeared at the hearing.

Issue(s) to be Decided

Is the Tenant allowed more time to make her application to cancel the notice for unpaid rent under section 66 of the *Residential Tenancy Act*?

Is the Tenant entitled to an Order to cancel a notice to end tenancy for unpaid rent under section 46 of the *Residential Tenancy Act*?

Background and Evidence

There was no additional evidence or testimony provided in support of the Tenant's claim as no one attended on behalf of the Tenant.

The Landlord attended the hearing and confirmed that the 10 Day Notice to End Tenancy was served to the Tenant personally by the President of the company, in the presence of witnesses, on January 11, 2010 at 2:44 p.m. The Landlord advised that he attended today's hearing to request an Order of Possession.

Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing. In the absence of the applicant Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenant called into the hearing during

this time. Based on the aforementioned I find that the Tenant has failed to present the merits of her application and the application was dismissed.

Upon review of the 10 Day Notice to End Tenancy, I find the Notice to be completed in accordance with the requirements of the Act and I find that it was served upon the Tenant in a manner that complies with the Act. Upon consideration of all the evidence presented to me, I find the Landlord had valid reasons for issuing the Notice.

Section 55 of the Act provides that an Order of Possession must be provided to a Landlord if a Tenant's request to dispute a Notice to End Tenancy is dismissed and the Landlord makes an oral request for an Order of Possession during the scheduled hearing.

Conclusion

I HEREBY FIND that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

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: March 08, 2010.

Dispute Resolution Officer