

DECISION

Dispute Codes:

CNR, RR, FF

Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenant has applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, that the tenant be allowed to reduce rent for repairs, services of facilities agreed upon by not provided and return of the filing fee costs.

The landlord's agent appeared at the hearing at the scheduled start time of 10:30 a.m. After 10 minutes had elapsed the tenant had not appeared to support his Application.

The landlord submitted a completed Application, which was not filed with the Residential Tenancy Branch; however that document indicated that the landlord wanted an Order of possession. The agent for the landlord at this hearing provided affirmed testimony that the landlord wanted vacant possession as soon as possible.

The tenant applied for dispute resolution on March 19, 2010, after completing and signing the application on March 17, 2010. The landlord's agent testified that the Notice was served to the tenant on March 17, 2010.

The Notice did not include the tenant's last name; however, I find that the Notice meets the required form set out in section 52 of the Act and that it is valid.

If a tenant makes an Application to cancel a Notice ending tenancy and at the hearing the landlord requests an Order of possession, section 55 of the Act determines that an Order may be issued if the dispute resolution officer dismisses the tenant's Application.

As the tenant has not appeared at this hearing in support of his Application requesting cancellation of the Notice, I find that the tenant's Application is dismissed.

As the landlord has requested an Order of possession, I find, pursuant to section 55(1) of the Act, that the landlord is entitled to an Order of possession effective 2 days after service to the tenant.

Conclusion

The tenant's Application for dispute resolution is dismissed without leave and, based upon the oral request of the landlord's agent I have issued an Order of possession to the

landlord, effective two days after service to the tenant, pursuant to section 55(1) of the Act.

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: May 04, 2010.

Dispute Resolution Officer