

DECISION

Dispute Codes:

CNC

Introduction

The tenant has Applied to cancel a Notice issued ending the tenancy for Cause. The landlord attended the hearing at the scheduled start time of 9 a.m. The tenant or an agent did not attend the hearing.

The tenant submitted a letter dated June 25, 2010, from a physician, indicating that the tenant could not attend the hearing due to “multiple health issues and unforeseen circumstances, is too ill to attend an arbitration hearing on June 29, 2010.” The landlord had a copy of this letter.

The tenant knew in advance that she would not attend the hearing, but failed to arrange to have an advocate or agent attend on her behalf. The tenant’s Application indicates that she is “a Federal Exemptee and use Marijuana as medicine for my disability.” The tenant did not submit any evidence supporting this submission.

The landlord questioned the timing of the tenant’s Application. The tenant was personally served with the Notice on April 29, 2010, at 11 a.m. The tenant applied for dispute resolution on May 10, 2010. I find that the tenant did apply within ten days of receiving the Notice, as the 10th day was May 9, 2010.

At the conclusion of ten minutes, during which time I waited for the attendance of an agent for the tenant, I dismissed the tenant’s Application. The landlord then made an oral request for an Order of possession.

The 1 Month Notice to end tenancy for cause issued on April 29, 2010, had an effective vacancy date of May 31, 2010. The tenant has not vacated the rental unit. Therefore, in the absence of the tenant or her agent at this hearing, 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

As the tenant or her agent failed to attend this hearing the Application is dismissed.

The landlord has been granted an Order of possession that is effective **two days after it is served 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.

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*.

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Dated: June 29, 2010.

Dispute Resolution Officer