

DECISION

Dispute Codes: MT, CNC

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for an order to set aside the notice to end tenancy for cause. The tenant also applied for more time to make this application.

This hearing was scheduled for a face to face hearing to be conducted at the Burnaby office of the Residential Tenancy Branch, at 11 a.m. As of 11:10 a.m. the applicant/tenant had not checked into the office. The respondent/landlord attended the hearing.

Issues to be decided

Does the landlord have reason to end the tenancy or should the notice to end tenancy be set aside and the tenancy be allowed to continue?

Analysis

During the waiting period, the landlord made an oral request for an order of possession in the event that the tenant's application was not successful. In the absence of an appearance by the applicant, I dismiss her application for dispute resolution without leave to reapply.

Section 55 of the *Residential Tenancy Act* provides 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.

I have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective August 31, 2010 after service upon the tenant. This order may be registered in the Supreme Court and enforced as an order of that court.

Conclusion

The notice to end tenancy is upheld and I grant the landlord an order of possession effective on or before 1:00 p.m. on August 31, 2010.

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: August 26, 2010.

Dispute Resolution Officer