

DECISION

Dispute Codes: CNR

Introduction

This application was brought by the tenants seeking to have set aside a 10-day Notice to End Tenancy for unpaid rent served on June 13, 2010.

Despite having brought this application, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing while the respondent landlord did appear.

Therefore, the application is dismissed without leave to reapply.

On hearing that determination, the landlord requested an Order of Possession under section 55(1) of the *Act*. Section 55(1) provides that if a tenant's application to set aside a Notice to End Tenancy is dismissed or if the Notice is upheld, and if the landlord makes an oral request for an Order of Possession, the Order must be issued.

As the Notice to End Tenancy set an end of tenancy date effective June 23, 2010, I find that the tenant is over holding and that the landlord is entitled to an Order of Possession effective two days from service of it on the tenant.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect two days from service of it on the tenant.

The landlord remains at liberty to make application for a Monetary Order to with respect to his claim for unpaid rent.

August 5, 2010
