



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

REVIEW HEARING DECISION

Dispute Codes CNC

This Review Hearing dealt with the Tenant's Application for Dispute Resolution, seeking to cancel a Notice to End Tenancy for cause.

This was the second hearing scheduled to deal with the Tenant's Application for Dispute Resolution where she did not appear.

The Tenant did not appear at the first hearing on June 29, 2010, and her Application was dismissed for failing to appear at that hearing.

Under section 55 of the Act, when the Tenant failed to appear at the hearing for her Application and the Application was dismissed, the Landlord had a right under the Act to request an order of possession. Under section 55 of the Act, the Dispute Resolution Officer must grant that request. This was done on June 29, 2010, and the Landlord was granted an order of possession.

Following the Decision, the Tenant applied for a Review of the Decision on July 6, 2010, based on the ground she was unable to appear at the first hearing, among other grounds which were to be examined in the hearing today. The Review was granted and a new Review Hearing was scheduled for today.

The Agent for the Landlord testified at the hearing today he had requested an in person hearing. There is written evidence the Tenant requested an in person hearing prior to the hearing today. However, neither of the requests was approved and the hearing was scheduled to be held by telephone conference hearing.

Both the Tenant and the Landlord were fully aware the hearing would proceed via telephone conference at the time and date scheduled. An Agent for the Landlord appeared today, ready to proceed.

Whether or not the Tenant agreed with the determination that the hearing would proceed via telephone, she had an obligation and a responsibility to appear at the hearing today in order for her Application to proceed. The Tenant had stated in her

written submissions she would be assisted by another person at the hearing. The Tenant failed to appear once again and no one appeared on her behalf.

Therefore, I find that the original Decision and order of possession must be confirmed.

I order the Decision and order of possession granted June 29, 2010, are in full force and effect, and the Landlord may enforce the order of possession.

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 03, 2010.

Dispute Resolution Officer