



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute codes CNC, CNR, OLC, FF, SS

Introduction

This hearing was convened in response to an application by the tenant to cancel Notices to End Tenancy for Unpaid Rent, and for Cause, with effective dates of August 15 and August 30, 2010 respectively. The tenant also applied for the landlord to comply with the Act, and for the tenant to recover the filing fee for this application.

The Applicant in this matter *did not attend* the conferences call hearing, nor did they submit any supporting evidence to this matter. The landlord in this matter attended the hearing as she had been duly served by the tenant with the Notice of Hearing document package, and was ready to support that they issued Notices to End for valid reasons.

Background and Evidence

This matter was set for a conference call hearing at 11:00 p.m. on this date. The landlord in this matter attended the hearing. They advised that they are not certain if the tenant still resides in the unit as they have over 300 units to manage. The Notice to End for Unpaid Rent was no longer an issue as the tenant had paid the rent within 5 days. However, the landlord made an oral request for an Order of Possession if I dismissed the tenant's application or upheld their Notice to End for Cause with an effective date of August 30, 2010 - to be effective as soon as possible.

Analysis

As the Applicant for this matter did not call into the conference call hearing to defend their application, their application is **dismissed** without leave to reapply.

Section 55 of the Act, in part, states as follows: **(emphasis for ease)**

Order of possession for the landlord

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.

Based on the above facts, and as a result that I have dismissed the tenant's application, I find that the landlord is entitled to an Order of Possession.

Conclusion

I grant an Order of Possession to the landlord effective **two (2) days from the day it is served upon the tenant**. The landlord is being given this order. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the order, the order may be filed in 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*.