



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

CNL, MT

Introduction

This matter was set for hearing at 1:30 p.m. on this date to hear the tenant's application disputing a 2 Month Notice to End Tenancy for Landlord's Use (the Notice to End) issued by the landlord on July 29, 2010 with an effective date of September 30, 2010. Since the applicant did not appear at the hearing by 1:40 p.m., but the respondent did appear and was ready to proceed and defend their position, I am dismissing the tenant's application, without leave to reapply, in accordance with Rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*. At the outset, the landlord orally requested an Order of Possession.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Analysis

The tenant has failed to appear for a scheduled Dispute Resolution hearing and as a result his application to set aside the landlord's Notice to End has been **dismissed**.

Section 55 of the *Act* provides that if a tenant's application to dispute a landlord's Notice to End is dismissed, and the landlord makes an oral request for an Order of Possession, then the director must grant an Order of Possession of the rental unit to the landlord.

Therefore, in this matter, I grant the landlord's request for an Order of Possession for the rental unit.

Conclusion

The tenant's application disputing a 2 Month Notice to End Tenancy for Landlord's Use **is dismissed**, without leave to re-apply.

I grant the landlord an Order of Possession effective **two (2) days** after it has been served upon the tenant. If necessary, this Order may be 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*.