

Decision

Dispute Codes: CNR, MNDC, OLC, ERP, RP, PSF, LRE, AAT, RR

Background / Evidence / Analysis

In response to an application by the tenant, this matter was scheduled for hearing to commence by way of conference call on October 6, 2010 at 11:30 a.m. The landlord and her agent were present at that time. However, as at 11:40 a.m. the tenant / applicant had still not appeared and the hearing was concluded at that time.

The tenant applied for cancellation of a notice to end tenancy for unpaid rent or utilities; a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement; orders instructing the landlord i) to comply with the Act, regulation or tenancy agreement, ii) to make emergency repairs for health or safety reasons, iii) to make repairs to the unit, site or property, iv) to provide services or facilities required by law; an order suspending or setting conditions on the landlord's right to enter the rental unit; authority allowing access to or from the unit or site for the tenant or the tenant's guests; and authority for the tenant to reduce rent for repairs, services or facilities agreed upon but not provided.

During the hearing, pursuant section 55 of the Act, the landlord made an oral request for an order of possession, in the event the tenant's application for cancellation of the notice to end tenancy fails. In relation to this request, the landlord testified that a 10 day notice to end tenancy for unpaid rent or utilities dated August 24, 2010 was served on the tenant by way of posting on his door. Subsequently, the tenant made no payment toward rent and, while the tenant filed an application to dispute the notice, as earlier noted the tenant did not attend the hearing.

In the result, the tenant's application is dismissed in its entirety. Based on the documentary evidence and the landlord's undisputed testimony, I find the landlord has established entitlement to an order of possession.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service upon the tenant. This order must be served on the tenant. 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.

DATE: October 6, 2010

Dispute Resolution Officer