



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application to set aside a One Month Notice to End Tenancy for Cause, dated September 30, 2010, which declares that the Tenant must vacate the rental unit by October 31, 2010.

Background and Evidence

The hearing was scheduled for 10:30 a.m. on this date and by 10:41 a.m. representatives for the Landlord had appeared, but the Tenant had not appeared.

The male Agent for the Landlord stated that this Notice to End Tenancy was posted on the door of the rental unit on September 30, 2010. He indicated that the Landlord is seeking an order of possession for the rental unit on the basis of the Notice to End tenancy that was posted on the tenant's door.

Analysis

I find that the Tenant failed to diligently pursue the application and I therefore dismiss the application without leave to reapply.

Section 55 (1) of the *Residential Tenancy Act* stipulates that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end tenancy, the director must grant an order of possession for the rental unit to the landlord, if at the time scheduled for the hearing, the landlord makes an oral request for an order of possession and the director dismisses the tenant's application.

As the Agent for the Landlord requested an order of possession at the hearing and I have dismissed the Tenant's Application for Dispute Resolution, I find that I must grant an order of possession.

Conclusion

I grant the Landlord an Order of Possession, pursuant to section 55(1) of the *Residential Tenancy Act*, that is effective two days after it is served upon the Tenant.

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: November 03, 2010.

Dispute Resolution Officer