



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

This matter was set for hearing at 1:00 p.m. on this date to hear the tenant's application disputing a 10 Day Notice to End Tenancy Due to Unpaid Rent issued by the landlord. Since the applicant did not appear at the hearing by 1:15 p.m., but the respondent did appear and was ready to proceed, I dismissed the tenant's application without leave to reapply pursuant to rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The tenant has failed to appear for a scheduled Dispute Resolution hearing and as a result her application to dispute a 1 month Notice to End Tenancy for Cause has been dismissed.

Section 55 of the *Act* provides that if a tenant's application to dispute a 1 month Notice to End Tenancy for Cause is dismissed, and the landlord makes an oral request for an Order of Possession, then the director must provide an Order of Possession of the rental unit to the landlord.

The landlord did make an oral request for an Order of Possession to the rental unit. Therefore, I grant the landlord's request and will issue an Order of Possession for the rental unit.

Conclusion

The tenant's application disputing the 1 month Notice to End Tenancy Due for Cause has been dismissed without leave to re-apply.

The landlord has been issued an Order of Possession effective **two (2) days** after it has been served upon the tenant pursuant to section 55(1) of the *Act*. 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*.

Dated: December 06, 2010.

Dispute Resolution Officer