



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

### Dispute Codes:

CNC

### Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause.

### Issue(s) to be Decided

The issue to be decided is whether the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, should be set aside.

### Background and Evidence

The hearing was scheduled for 1:30 p.m. on this date and by 1:41 p.m. the Landlord had appeared, but the Tenant had not appeared.

The Agent for the Landlord stated that a One Month Notice to End Tenancy for Cause was served on the Tenant by registered mail on November 23, 2010, which declared that the Tenant was required to vacate the rental unit on December 31, 2010. The Agent stated that he wishes an Order of Possession on the basis of the Notice to End Tenancy that was mailed on November 23, 2010.

### 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)(b) of the *Act* requires me to grant an Order of Possession if a tenant files an Application for Dispute Resolution to dispute a Notice to End Tenancy if, at the time of the scheduled hearing, the landlord makes an oral request for an Order of Possession and I dismiss the Tenant's Application for Dispute Resolution. As the Landlord has requested an Order of Possession and I have dismissed the Tenant's Application for Dispute Resolution, I find that the Landlord is entitled to an Order of Possession.

Conclusion

Pursuant to section 55(1)(b) of the Act, I grant the Landlord an Order of Possession that will be effective on December 31, 2010.

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 16, 2010.

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Dispute Resolution Officer