



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNC

This matter was set for hearing at 10:30 a.m. on this date. The applicant/tenant failed to attend the hearing by 10:40 a.m. The landlord was present at the hearing at the scheduled start of the hearing.

The Act states:

Commencement of the dispute resolution proceeding

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

The landlord requested an Order of possession for the effective date on the Notice ending tenancy for cause, December, 31, 2010. A copy of the Notice was submitted by the landlord as late evidence.

Analysis

In the absence of any evidence submission by the tenant I have accepted the copy of the Notice ending tenancy for cause issued by the landlord on November 13, 2010, that was submitted by the landlord. The tenant applied to cancel the Notice on November 17, 2010 and the landlord was served with notice of this hearing on November 24, 2010.

In the absence of an appearance by the applicant/tenant by 10:40 a.m., and in the presence of the respondent, the tenant's application to cancel a notice ending tenancy for cause issued on November 13, 2010, is dismissed.

Section 55(1) of the Act provides:

- 55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

- (a) the landlord makes an oral request for an order of possession, and
- (b) the director dismisses the tenant's application or upholds the landlord's notice.

I have dismissed the tenant's Application to cancel the Notice and the landlord has requested an Order of possession for the effective date of the Notice; December 31, 2010. Therefore, pursuant to section 55 of the Act, I find that the landlord is entitled to an Order of possession effective December 31, 2010, at 1 p.m.

Conclusion

The tenant's application is dismissed.

The landlord has been granted an Order of possession that is **effective December 31, 2010, at 1 p.m.** This Order may be served on the tenant, 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 09, 2010.

Dispute Resolution Officer