



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNC & OLC

Introduction

This matter was set for hearing at 11:00 a.m. on this date to hear the tenant's application disputing a 1 Month Notice to End Tenancy for Cause issued by the landlord. The applicant did not appear at the hearing by 11:15 a.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?

Analysis

The tenant has failed to appear for a scheduled Dispute Resolution hearing and as a result his application to set aside 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 Notice to End Tenancy is dismissed, and the landlord makes an oral request for an Order of Possession, then the director must issue the landlord an Order of Possession.

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 effective **February 28, 2011 at 1:00 p.m.**

Conclusion

The tenant's application disputing a 1 Month Notice to End Tenancy for Cause has been dismissed without leave to re-apply. The landlord has been issued an Order of Possession for the rental unit effective **February 28, 2011 at 1:00 p.m.**

This Order must be served on the tenant to be effective. This Order may be filed with the British Columbia Supreme Court 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: January 26, 2011.

Residential Tenancy Branch