



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

CNC, MNDC, RR, and FF

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, for a monetary Order for money owed or compensation for damage or loss, to reduce the rent, and to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

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

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, whether the Tenant was entitled to monetary compensation or to reduce her rent, and whether the Tenant is entitled to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

Background and Evidence

The Landlord stated that this tenancy began on July 15, 2010 and that she personally served the Tenant with a One Month Notice to End Tenancy for Cause on December 09, 2010, which declared that the Tenant must vacate the rental unit by January 31, 2011. The reason stated for ending the tenancy on the Notice to End Tenancy was that the Tenant was repeatedly late paying rent.

The Landlord requested an Order of Possession at the hearing.

Analysis

By failing to attend the hearing, I find that the Tenant failed to diligently pursue the application. I therefore dismiss the Tenant's Application for Dispute Resolution, without leave to reapply.

Section 55(1) of the *Act* stipulates that if a tenant makes an application for dispute



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

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, the landlord makes an oral request for an order of possession, and the director dismisses the tenant's application or upholds the landlord's notice. As I have dismissed the Tenant's Application for Dispute Resolution and the Landlord requested an Order of Possession, I find that I must grant the Landlord's request for an Order of Possession, pursuant to section 55(1).

Conclusion

I grant the Landlord an Order of Possession, as requested at the hearing, that will be effective on January 31, 2011.

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 13, 2011.

Residential Tenancy Branch