

## **DECISION**

Dispute Codes      MT, CNR, RR

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy pursuant to section 66;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent pursuant to section 46; and
- an order to be allowed to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65.

The Respondent's representative appeared at the hearing of this matter. The Applicant did not contact the number to be connected with this hearing at the appointed time set for the hearing, although I waited until 1:42 p.m. to enable him to do so.

Rule 10.1 of the Rules of Procedure provides as follows:

**10.1 Commencement of the hearing** The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Accordingly, in the absence of any evidence or submissions from the applicant, I order the application dismissed without liberty to reapply.

### Analysis

#### Order of Possession

When a tenant makes application to cancel a notice to end tenancy given for non-payment of rent and the application is dismissed and the landlord requests an Order of Possession, the landlord is entitled to receive that Order. At the hearing, the landlord's representative requested an Order of Possession on the basis of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent entered into written evidence by the tenant. Pursuant to section 55(1) of the *Act*, I grant the landlord a 2 day Order of Possession.

### Conclusion

I provide the landlord with a formal copy of an Order of Possession to take effect within 2 days of the landlord's service of this notice to the tenant(s). Should the tenant(s) fail

to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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*.