

DECISION

Dispute Codes MT, CNR

Introduction

Pursuant to the *Residential Tenancy Act* (the *Act*) and amendments thereto I was designated to hear this matter under section 58. This hearing dealt with the tenant's application for:

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy pursuant to section 66; and
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent pursuant to section 46.

While the Respondent attended the hearing by way of conference call, the Applicant did not. I waited until 9:44 a.m., 14 minutes after the scheduled time for this hearing, to enable her to do so.

At the hearing, the landlord requested an Order of Possession if the tenant's application for cancellation of the Notice to End Tenancy were dismissed.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 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.

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

I am satisfied by the landlord's sworn testimony and the written evidence before me that the tenant was handed a 10 Day Notice to End Tenancy for Unpaid Rent on January 4, 2011 for unpaid rent of \$1,500.00. The landlord said that the tenant has not paid any portion of the \$1,500.00 identified in the Notice.

In accordance with section 55(1) of the *Act*, 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*.