



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNC, MNDC, RP, RR

Introduction

This was the hearing of an application by the tenant to cancel a one month Notice to End Tenancy for cause and for other relief, including a repair order and an allowing the tenant to reduce the rent for repairs not provided. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. I kept the hearing open for more than ten minutes, but the tenant did not call in and did not participate despite the fact that this was the hearing of his application for dispute resolution.

Issue(s) to be Decided

Should the Notice to End Tenancy dated January 26, 2011 be cancelled?
Is the tenant entitled to any other relief?

Background and Evidence

The rental property is a single room occupancy hotel in Vancouver. The tenancy began in August 2009. The landlord has given the tenant verbal and written warnings to clean up the rental unit. On December 14, 2010. The City of Vancouver inspected the rental unit and ordered the landlord to have it cleaned up. The landlord served the tenant with a one month Notice to End Tenancy for cause on January 26, 2011. The Notice claimed that the tenant has caused extraordinary damage and put the landlord's property at significant risk. The tenant filed an application for dispute resolution to dispute the Notice to End Tenancy on February 3, 2011.

Analysis and Conclusion

The tenant had not appeared at the hearing of his application by 10:40 A.M. In the absence of an appearance by the applicant, I dismiss his application for dispute resolution without leave to reapply.

Section 55 of the *Residential Tenancy Act* provides as follows:

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 dispute the landlord's Notice to End Tenancy. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective February 28, 2011 after service upon the tenant. This order may be registered in the Supreme Court and enforced as an order of that court.

Dated: February 17, 2011.
