



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

CNR, OLC, FF

Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenants have applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, an Order the landlord comply with the Act and return of the filing fee costs.

The tenants did not attend the hearing which commenced at 1:30 p.m. and ended at 1:43 p.m. The landlord attended the hearing at the scheduled start time.

The landlord stated that he wanted the tenants out of the rental unit as they have not paid rent. I accepted this as a request for an Order of possession.

Section 55(1) of the Act provides:

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.

As the tenants failed to attend the hearing in support of their Application, I have dismissed the tenant's Application to cancel the Notice; the landlord requested possession of the rental unit; therefore, I find that the landlord is entitled to an Order of possession effective 2 days after service to the tenants.

Conclusion

The tenant's Application to cancel a 10 Day Notice ending tenancy for unpaid rent is dismissed as the tenants failed to attend the hearing.

The landlord has been issued an Order of possession, pursuant to section 55 of the Act.

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: March 11, 2011.

Residential Tenancy Branch