

## **DECISION**

**Dispute Codes** MT, CNC, ERP, RP

### **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 1 Month Notice to End Tenancy for Cause pursuant to section 66;
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause pursuant to section 47;
- an order to the landlord to make repairs to the rental unit pursuant to section 33; and
- a monetary order for the cost of emergency repairs to the rental unit pursuant to section 33.

While the Respondent attended the hearing by way of conference call, the Applicant did not.

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.**

At the hearing, the landlords requested an Order of Possession as of March 31, 2011, in the event that the tenant's application for dispute resolution was dismissed. The landlord noted that they had filed a copy of their February 8, 2011 One Month Notice to End Tenancy for Cause and a copy of a signed agreement between the landlords and the tenant indicating that the tenants would vacate the premises by 12 p.m. on March 31, 2011.

In accordance with the following provisions of section 55(1) of the *Act*, I grant the landlord an Order of Possession to take effect at 12 p.m. on March 31, 2011.

**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.*

### Conclusion

I dismiss the tenant's application for dispute resolution without leave to reapply.

The landlord is provided with a formal copy of an Order of Possession effective at 12 p.m. on March 31, 2011. 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*.