



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MT, CNC

Introduction

This matter was set for hearing at 1.30 p.m. on this date to hear the tenant's application for more time to cancel a One Month Notice to End Tenancy and to cancel the One Month Notice to End Tenancy issued by the landlord. The applicant did not appear at the hearing by 1.40 p.m., but the respondent did appear and was ready to proceed. Therefore, I dismissed the tenant's application without leave to reapply pursuant to rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*.

The landlord's agent request that the One Month Notice be upheld and request an Order of Possession to take effect as soon as possible.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Analysis

The tenant has failed to appear for a scheduled Dispute Resolution hearing and as a result her application for more time to set aside a notice and her application to set aside a One Month Notice to End Tenancy for cause has been dismissed.

Section 55 of the *Act* provides that if a tenant's application to dispute a One Month Notice to End Tenancy is dismissed, and the landlord makes an oral request for an

Order of Possession, then the director must give the Order of Possession of the rental unit to the landlord.

The landlord did make an oral request for an Order of Possession to the rental unit. Therefore, I grant the landlord's request and an Order of Possession for the rental unit has been issued to the landlord.

Conclusion

The tenant's application disputing a One Month Notice to End Tenancy for cause has been dismissed without leave to re-apply.

The landlord has been issued an Order of Possession effective **two (2) days** after it has been served upon the tenant pursuant to section 55(1) of the *Act*. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

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 25, 2011.

Residential Tenancy Branch