



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC

Introduction & Preliminary Issues

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking more time to dispute a one month Notice to End Tenancy and for an order to cancel the one month Notice to End Tenancy for cause.

The Tenant did not appear at the hearing in support of her Application.

The hearing by telephone conference call, was set for 10:30 a.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was an Agent for the Respondent Landlord.

The Agent for the Landlord testified that the Tenant is believed to have vacated the rental unit. The Agent explained the Landlord was not served with a copy of the Tenant's Application or a Notice of Hearing. The Agent found out that there was a hearing scheduled when she was informed by a third party that the Tenant intended to dispute the Notice. The Agent contacted the branch and was informed of the hearing time and date.

I find the Tenant failed to serve the Landlord with her Application for Dispute Resolution and a Notice of this Hearing as required under the Act. I further find the Tenant failed to appear at the hearing. Therefore, as the Applicant failed to serve the Landlord as required under the Act, and as she did not attend the hearing while the Respondent appeared and was ready to proceed, I dismiss the Tenant's Application without leave to reapply.

Upon my dismissal of the Tenant's Application, the Agent for the Landlord orally requested an order of possession. Under section 55 of the Act, I must grant that request. I grant the Landlord an order of possession for the rental unit effective today, **August 4, 2011 at 1:00 p.m.** If required, this order may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, except as otherwise provided for under the Act, and 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: August 04, 2011.

Residential Tenancy Branch