



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This matter was set for hearing at 11:00 a.m. on this date to hear the tenant's application disputing a One Month Notice to End Tenancy for cause issued by the landlord. Since the applicant did not appear at the hearing by 11:10 a.m., but the respondent did appear and was ready to proceed, I dismissed the tenant's application without leave to reapply pursuant to rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*.

### 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 his 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 Notice to End Tenancy is dismissed, and the landlord makes an oral request for an Order of Possession, then the director must give an 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 effective on October 31, 2011. Therefore, I grant the landlord's request and have issued an Order of Possession for this date.

### Conclusion

The tenant's application disputing a One Month Notice to End Tenancy dated August 25, 2011 has been dismissed without leave to re-apply.

The landlord has been issued an Order of Possession effective by **1.00 p.m. on October 31, 2011** 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: October 18, 2011.

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Residential Tenancy Branch