



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNDC, OLC, RP, RR

Introduction

This hearing was scheduled for 1:30 p.m. on this date to hear the tenant's application to cancel a Notice to End Tenancy for Unpaid Rent or Utilities; for monetary compensation for damage or loss under the Act, regulations or tenancy agreement; orders for the landlord to comply with the Act, regulations or tenancy agreement; orders for repairs, and authorization to reduce rent.

The tenant did not appear at the hearing despite leaving the teleconference call open until 1:44 p.m. The landlords appeared at the hearing and confirmed receipt of the tenant's Application for Dispute Resolution on November 3, 2011. As the landlords appeared at the hearing and were prepared to respond to the tenant's application, in the absence of the tenant, I dismissed the tenant's application without leave to reapply. The landlords orally requested an Order of Possession during the hearing.

Issue(s) to be Decided

Are the landlords entitled to an Order of Possession?

Background and Evidence

The landlords confirmed that they issued a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the Notice) on November 2, 2011 indicating the tenant owed rent and utilities to the landlords. The tenant paid the outstanding rent on November 3, 2011 but did not pay the utilities owed to the landlord. Also on November 3, 2011 the tenant served the property manager with the tenant's application to dispute the Notice.

Analysis

Section 55 of the Act provides that an Order of Possession will be granted to a landlord:

- (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 I have dismissed the tenant's application to dispute the Notice to End Tenancy and the landlords have orally requested an Order of Possession during the scheduled hearing I provide the landlords an Order of Possession pursuant to section 55(1) of the Act.

Conclusion

The landlords are provided an Order of Possession effective two (2) days after service upon the tenant.

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: November 30, 2011.

Residential Tenancy Branch