



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OPC

Introduction

This hearing was convened in response to applications filed by the tenant and the landlord.

The tenant sought to cancel a Notice to End Tenancy given for cause.

The landlord sought an Order of Possession based on a Notice to End Tenancy given for Cause and recovery of the filing fee paid for this application.

While the landlord did appear at the hearing the tenant did not appear.

The person named as the second tenant in the landlord's application JS did appear to provide evidence that he is not a tenant and should not have been named in the landlord's application. The landlord agreed. JS's name has therefore been removed from these proceedings.

Findings on Non-Appearance of Applicant

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Accordingly, in the absence of any evidence or submissions from the applicant I order the application dismissed without liberty to reapply.

Order of Possession

The landlord has made application for an Order of Possession and as the time for disputing that the Notice to End Tenancy has expired the landlord is entitled to that Order.

Conclusion

The landlord is provided with an Order of Possession effective December 31, 2011. Should the tenant fail to comply with this Order the Order may be 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*.

Dated: December 19, 2011.

Residential Tenancy Branch