



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MT CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to be allowed more time to make his application and to cancel a notice to end tenancy for cause.

The Landlord appeared at the teleconference hearing however no one appeared on behalf of the Tenant despite this being the Tenant's application for dispute resolution.

### Issue(s) to be Decided

1. Has the Tenant met the burden of proof to enable an extension of time to make his application to cancel the notice, pursuant to section 66 of the *Residential Tenancy Act*?
2. Has the Landlord appeared at the teleconference hearing and requested an Order of Possession?

### Background and Evidence

No one appeared at the teleconference hearing on behalf of the applicant Tenant so no testimony was presented in support of his application.

The Landlord testified that he attended today's hearing to request an Order of Possession effective two days upon service to the Tenant.

### Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing. In the absence of the applicant Tenant, the telephone line remained open while the phone system was monitored for

ten minutes and no one on behalf of the applicant Tenant called into the hearing during this time. Based on the aforementioned I find that the Tenant has failed to present the merits of his application and the application is dismissed.

The Landlord attended and requested an Order of Possession. Section 55 of the Act provides that an Order of Possession must be provided to a Landlord if a Tenant's request to dispute a Notice to End Tenancy is dismissed and the Landlord makes an oral request for an Order of Possession during the scheduled hearing. Accordingly, I approve the Landlord's request.

### Conclusion

I HEREBY DISMISS the Tenant's application, without leave to reapply.

I HEREBY FIND that the landlord is entitled to an Order of Possession effective **2 days after service on the Tenant**. This order is legally binding and must be served on the Respondent 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: January 09, 2012.

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Residential Tenancy Branch