



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, ERP, O

Introduction

This matter was set for hearing at 1:30 p.m. on this date to hear the tenant's application disputing a 10 Day Notice to End Tenancy due to Unpaid Rent issued by the landlord. Since the applicant did not appear at the hearing by 1:40 p.m., but the respondent did appear and was ready to proceed, **I dismiss** the tenant's application without leave to reapply pursuant to rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*. The landlord orally requested an Order of Possession.

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, their application to set aside a Notice to End Tenancy has been **dismissed**. Section 55 of the *Act* provides that if a tenant's application to dispute a 10 day Notice to End Tenancy Due to Unpaid Rent is dismissed, and the landlord makes an oral request for an Order of Possession, then the director must give an Order of Possession to the landlord. The landlord did make such a request; therefore, I will order accordingly.

Conclusion

The tenant's application disputing a 10 day Notice to End Tenancy Due to Unpaid Rent has been dismissed without leave to re-apply. The landlord is granted an Order of Possession effective **two (2) days after it has been served upon the tenant** pursuant to section 55(1) of the *Act*. If necessary, 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: January 31, 2012.

Residential Tenancy Branch