



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, RP, PSF, AS, RR

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a rent increase, to make emergency repairs for health and safety reasons, make repairs to the unit, provided services required by law, allow a tenant to assign or sublet, and allow a tenant to reduce rent for repairs. The tenant's original application filed for this Dispute Resolution indicates that she was requesting more time to dispute the notice to end tenancy.

This matter was set for hearing by telephone conference call at 11:30 A.M. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent. Therefore, as the applicant did not attend the hearing by 11:40 A.M, and the respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

The landlord testified that the tenant did not dispute the ten day notice within the required time lines for unpaid rent, the tenant has not paid rent and the tenant is still in the rental unit. The landlord seeks an order of possession.

As the tenant's application is dismissed and the landlord requested an order of possession at the hearing, pursuant to section 55 of the Act, I must grant this request.

Section 55(1) of the Act states:

Order of possession for the landlord

55 (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, I find that the landlord is entitled to an order of possession effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

This order must be served on the tenant and may be filed in the Supreme 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*.

Conclusion

The tenant's application is dismissed without leave to reapply. The landlord is granted an order of possession.

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: March 23, 2012.

Residential Tenancy Branch