



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes

CNR, MNDC

### Introduction

This matter was set for an in-person hearing at 11:00 a.m. on this date to hear the tenant's application disputing a 10 Day Notice to End Tenancy for Unpaid Rent, for money owed in compensation for loss under the Act, Regulation or tenancy agreement and for the landlord to comply with the Act. Since the applicant did not appear at the hearing by 11:10 a.m., but the respondent did appear and was ready to proceed and defend their onus, **I dismiss** the tenant's application in its entirety, without leave to reapply, pursuant to rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*. The landlord provided that the tenant has not paid the rent arrears identified in the Notice to End, and made an oral request for an Order of Possession in accordance with Section 55 (1) of the Act.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Analysis

The applicant (tenant) has failed to appear for a scheduled Dispute Resolution hearing initiated by the applicant and as a result their application to set aside a 10 Day Notice to End Tenancy Due to Unpaid Rent has been dismissed. Section 55 of the *Act* provides that if a tenant's application to dispute a Notice to End Tenancy is dismissed or the landlord's Notice to End is upheld, and the landlord makes an oral request for an Order of Possession, then the director **must** grant the Order of Possession of the rental unit to the landlord. The landlord did make an oral request for an Order of Possession. As a result, I grant the landlord's request and will issue an Order of Possession for the rental unit.

### Conclusion

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

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Residential Tenancy Branch