



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

CNC, CNR, LRE

### Introduction

The tenant submitted an Application for Dispute Resolution to cancel a 1 Month Notice to End Tenancy for Cause, to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and an Order requesting return of her personal property.

This matter was set for hearing at 9 a.m. on this date. The applicant/tenant did not attend and the hearing ended at 9:11 a.m. The landlord was present at the scheduled start time of the hearing;

The landlord provided affirmed testimony that during the last week of October or first week of November, 2012 she gave the tenant a 1 Month Notice to End Tenancy for Cause. The landlord did not issue a Notice for unpaid rent.

The landlord said she and the tenant have discussed the tenant vacating, that no firm agreement was reached and that the landlord had expected the tenant to attend the hearing. The landlord said she wants the tenant to vacate, but is willing to allow her to remain until mid-February; in that case, if all rent is paid to date, the tenant would only need to pay rent for ½ of February, 2013. The landlord acknowledged that she would also be willing to discuss a written mutual agreement to end the tenancy with the tenant.

The Act states:

### ***Commencement of the dispute resolution proceeding***

*The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.*

Therefore, I find, in the absence of an appearance by the tenant, this application is abandoned and dismissed.

Section 55(1) of the Act provides:

**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 the landlord said she wants the tenant to move out, I find that the landlord has made a request, equivalent to that required in accordance with section 55(1) of the Act. Therefore, I find that the landlord is entitled to an Order of possession effective February 15, 2013, at 1 p.m.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 10, 2012.

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Residential Tenancy Branch