



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

This matter was set for a conference call hearing at 10:00 a.m. on this date. The line remained open while the phone system was monitored for ten minutes. The only participant who called into the hearing during this time was the Respondent. The Applicant failed to attend to present their claim. The Respondent appeared and was ready to proceed. In the absence of the Party who made the application, I dismiss this claim without leave to reapply.

Upon the dismissal of the Tenant's application, the Landlord stated that she would allow the tenancy to continue if conditions were placed upon the Tenant. As this Hearing is not in relation to an application by the Landlord, I directed the Landlord to seek information from the Residential Tenancy Branch in relation to making such an application. The Landlord then requested an Order of Possession and stated that the Tenant paid the rent for January 2013.

Section 55 of the Act provides as follows:

- (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 requested an Order of Possession at the Hearing, and as I have dismissed the Tenant's application, I find that the Landlord is entitled to an Order of

Possession. **I therefore grant** an Order of Possession to the Landlord effective January 31, 2013.

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 15, 2013
