



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing was convened in response to an application filed by the tenant seeking to cancel a Notice to End Tenancy given for cause and to recover the filing fee for the cost of this application.

While the landlord did appear at the hearing the tenant/applicant did not appear. The tenant's application is therefore dismissed.

Findings on Non-Appearence of Applicant

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Accordingly, in the absence of any evidence or submissions from the applicant I order the application dismissed without liberty to reapply.

Order of Possession

When a tenant makes application to cancel a notice to end tenancy given for cause and that application is dismissed a landlord may request an Order of Possession. The landlord has requested that Order and as the effective date on the Notice to End Tenancy has passed, an Order of Possession will be issued effective February 28, 2013 as requested by the landlord.

Conclusion

The landlord is provided with an Order of Possession. This Order is a final and binding Order as any Order of the Supreme Court of British Columbia.

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 23, 2013

Residential Tenancy Branch

