



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant for an order cancelling a notice to end tenancy for unpaid rent or utilities.

The tenant and an agent for the landlord company attended the hearing on the first day scheduled, and the tenant advised that the landlord had not provided the tenant with any of the evidence that the landlord had provided to the Residential Tenancy Branch. The parties agreed to adjourn the hearing to allow the landlord to serve the tenant with the evidence.

The landlord's agent attended the hearing on the adjourned date, however the tenant did not attend. The line remained open while the phone system was monitored for 10 minutes and the only participant who joined the conference call hearing was the landlord's agent.

The applicant tenant failed to attend to present the claim, and the respondent landlord appeared and was ready to proceed.

In the absence of the party who made the application, I dismiss the claim without leave to reapply. I made no findings of fact or law with respect to the merits of this matter.

During the course of the hearing, the landlord's agent orally requested an Order of Possession.

Analysis

The *Residential Tenancy Act* states that:

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.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed without leave to reapply.

I hereby grant an Order of Possession in favour of the landlord on 2 days notice to the tenant.

This order is final and binding on the parties and may be enforced.

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 24, 2013

Residential Tenancy Branch

