



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

CNR and MT

### Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Unpaid Rent and for more time to apply to set aside a Notice to End Tenancy.

### Issue(s) to be Decided

Should a Notice to End Tenancy for Unpaid Rent be set aside and should the Tenant be granted more time to apply to set aside a Notice to End Tenancy?

### Background and Evidence

This hearing commenced at the scheduled start time of 2:30 p.m. and the teleconference was monitored until 2:41 p.m. The Landlord attended the hearing at the scheduled start time but the Tenant did not attend the hearing prior to it being concluded at 2:41 p.m.

Prior to the conclusion of the hearing, the Landlord clearly indicated that he wished to regain possession of the rental unit.

### Analysis

Rule 10.1 of the Rules of Procedure stipulates that 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.

I find that the Tenant failed to diligently pursue the application and I therefore dismiss the application without leave to reapply.

Conclusion

Pursuant to section 55(1) of the *Act*, I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

I dismiss the Application with leave to reapply, as I have not made any findings of fact or law with respect to the application.

Dated: April 04, 2013

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Residential Tenancy Branch

