



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, MNDC

### Introduction

This hearing was scheduled for 1:30 a.m. to hear the tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and a Monetary Order for damage or loss under the Act, regulations or tenancy agreement. The landlord and his interpreter appeared at the hearing; however, the tenant did not appear despite leaving the telephone line open until 1:53 p.m. Since the landlord appeared and was prepared to deal with the tenant's application, due to the tenant's failure to appear, I dismissed the tenant's application without leave to reapply.

The landlord orally requested an Order of Possession be provided to him.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

In filing this application, the tenant provided a copy of a 10 Day Notice to End Tenancy for Unpaid Rent dated March 9, 2013 and a stated effective date of March 19, 2013.

### Analysis

Section 55 of the Act provides that an Order of Possession shall be granted to a landlord where:

- The tenant files to cancel a notice to End Tenancy and the application is dismissed; and,

- The landlord orally requests an Order of Possession during the scheduled hearing.

Having dismissed the tenant's application to cancel the Notice to End Tenancy, I grant the landlord's oral request for an Order of Possession pursuant to section 55 of the Act.

Provided to the landlord with this decision is an Order of Possession effective two days after it is served upon the tenant.

### Conclusion

The tenant's application was dismissed without leave. The landlord was provided an Order of Possession effective two (2) days after service.

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: April 23, 2013

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Residential Tenancy Branch