



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Total Concept Management & Realty  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

CNC

### **Introduction**

This matter was set for hearing at 11:00 a.m. on this date to hear the tenant's application disputing a One Month Notice to End Tenancy for cause issued by the landlord with an effective date of March 31, 2013. Since the applicant did not appear at the hearing by 11:10 a.m., but the respondent did appear and was ready to proceed, I dismissed the tenant's application without leave to reapply pursuant to rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*. The landlord orally requested an Order of Possession.

### **Issues(s) to be Decided**

Is the landlord entitled to an Order of Possession?

### **Analysis**

The tenant and applicant in this matter failed to appear for a scheduled Dispute Resolution hearing and as a result their application to set aside a One Month Notice to End Tenancy for cause has been dismissed without leave to reapply.

Section 55 of the *Act* provides that if a tenant's application to dispute Notice to End Tenancy is dismissed, and the landlord makes an oral request for an Order of Possession, then the director must give an Order of Possession of the rental unit to the landlord.

The landlord did make an oral request for an Order of Possession to the rental unit effective as soon as possible. As the effective date of the Notice to end in this matter has passed, I grant the landlord's request and will issue an Order of Possession effective 2 days from the day it is served on the tenant.

### **Conclusion**

The tenant's application disputing a One Month Notice to End Tenancy with an effective date of March 31, 2013 has been dismissed without leave to re-apply.

The landlord has been issued an Order of Possession **effective 2 days from the day it is served on the tenant** pursuant to section 55(1) of the *Act*. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

**This Decision and order is final and binding on both parties.**

*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 08, 2013

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Residential Tenancy Branch