



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing was scheduled for 3:00 p.m. on this date to hear the tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent. Despite leaving the telephone line open until 3:13 p.m. the tenant did not appear. Since the landlord appeared and was prepared to proceed with the tenant's application, in the absence of the tenant, I dismissed the tenant's application without leave to reapply.

The landlord stated that the tenant has promised to vacate the rental unit today; however, in the event he does not, 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

The tenant filed to cancel a 10 Day Notice to End Tenancy for Unpaid Rent dated April 4, 2013. The tenant's application to cancel the Notice to End Tenancy has been dismissed.

### 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.

As the tenant's application to cancel a Notice to End Tenancy has been dismissed I grant the landlord's oral request for an Order of Possession. I provide an Order of Possession to be effective two (2) days after service.

Conclusion

The tenant's application has been dismissed and the landlord has been provided an Order of Possession effective two (2) days after service upon the tenant.

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: May 01, 2013

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Residential Tenancy Branch