



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: CNR, RP, LRE

Introduction:

This was an application by the tenant to cancel a Notice to End the Tenancy dated May 6, 2013, an Order for the landlord to make repairs and suspend the landlords' right to enter the unit. Only the landlord's agent attended the hearing.

Issues:

Is the tenant entitled to any relief?
Is the landlord entitled to an Order for possession?

Background and Evidence:

The landlord's agent attended the hearing and testified that he witnessed the Notice to End the Tenancy dated May 6, 2013 without an effective date handed to the tenant on May 7, 2013 and that the rent is still unpaid.

Analysis:

The applicants failed to participate in the hearing at the appointed time notwithstanding the elapse of **16** minutes. Rule 10.1 of the Rules of Procedure provides:

Commencement of the dispute resolution proceeding

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I have dismissed the tenant's applications. The notice is upheld. Section 55(1)(a) provides that the arbitrator must grant an order of possession of the rental unit if, the landlord makes an oral request for an order of possession at a hearing where an arbitrator has dismissed the tenant's application pursuant to section 47 and has upheld the Notice. The landlord has made this request at the hearing. I order pursuant to section 44 that the tenancy shall end on May 17, 2013 pursuant to section 53 of the Act.

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Conclusion:

I granted the landlord an Order for Possession effective two days after service upon the tenant. The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement. I have dismissed all the tenant's applications. There will not be any recovery of the filing fee to 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: June 04, 2013

Residential Tenancy Branch