



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Rosemont Manor
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OPC, FF

This matter was set for a conference call hearing at 2:30 p.m. on this date and was convened in response to applications under the *Residential Tenancy Act* (the “Act”) by the Tenant for an Order cancelling a Notice to End Tenancy and by the Landlord for an Order of Possession and recovery of the filing fee.

When the Hearing commenced the Landlord was present and was ready to proceed. After 15 minutes, the Tenant failed to appear to present its claim. In the absence of the Tenant, I dismiss the Tenant’s claim without leave to reapply. The Landlord requested an Order of Possession.

Section 55 of the Act provides that where a tenant’s application to dispute a landlord’s notice to end tenancy has been dismissed and the landlord makes an oral request for an order of possession, the landlord must be granted an order of possession. As the Tenant’s application has been dismissed and the Landlord has made a request for an Order of Possession, I find that the Landlord is entitled to an Order of Possession. As the Landlord’s application was not necessary to obtain the Order of Possession, I decline to award recovery of the filing fee.

I grant an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: September 17, 2013

Residential Tenancy Branch

