



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, FF

### 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. Since the applicant did not appear at the hearing by 11.13 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*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Analysis

The tenant has failed to appear for a scheduled Dispute Resolution hearing and as a result his application to set aside a One Month Notice to End Tenancy for cause has been dismissed.

Section 55(1) of the *Act* provides that if a tenant's application to dispute a Notice to End Tenancy Due is dismissed, and the landlord makes an oral request for an Order of Possession, then the director must issue an Order of Possession of the rental unit to the landlord.

The landlord has made an oral request for an Order of Possession for the rental unit at the hearing. The effective date of the Notice was September 01, 2013 however as the Notice was served in person to the tenant on August 02, 2013 then the amended date of the Notice is September 30, 2013 pursuant to s. 53 of the Act as the landlord must provide one clear months Notice. I therefore grant the landlords request and issue an Order of Possession.

### Conclusion

The tenant's application disputing a One Month Notice to End Tenancy has been dismissed without leave to re-apply.

The landlord has been issued an Order of Possession effective **on September 30, 2013** 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 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 24, 2013

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Residential Tenancy Branch

