



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Cyclone Holdings
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNC, MNDC

Introduction

The tenant applied to cancel a 10 day Notice to end tenancy for unpaid rent and compensation in the sum of \$1,910.00 as damage or loss under the Act.

This matter was set for hearing at 9 a.m. on this date. The applicant/tenant did not attend. The landlord and his agent were present at the scheduled start time of the hearing;

Residential Tenancy Branch Rules of Procedure provide:

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.

In the absence of an appearance by the tenant, his application was dismissed at 9:10 a.m.

The landlord provided affirmed testimony that the tenant had been given a 10 day notice to end tenancy, by posting to the tenant's door on August 2, 2013. On August 5, 2013 the tenant applied to cancel the Notice. The tenant did not supply a copy of the Notice, as evidence.

The landlord said he wants the tenant to pay the rent owed and that the tenant must move out of the unit.

Section 55(1) of the Act provides:

55 (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of*

possession of the rental unit to the landlord if, at the time scheduled for the hearing,

- (a) the landlord makes an oral request for an order of possession, and*
- (b) the director dismisses the tenant's application or upholds the landlord's notice*

As the landlord has requested possession of the unit and the tenant's application is dismissed I find that the landlord is entitled to an order of possession.

The landlord has been granted an Order of possession that is effective **two days after it is served upon the tenant**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The tenant's application is dismissed.

The landlord is entitled to an Order of possession.

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 12, 2013

Residential Tenancy Branch

