



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, MT

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Unpaid Rent and for more time to apply to set aside a Notice to End Tenancy.

Issue(s) to be Decided

Should the Notice to End Tenancy for Unpaid Rent, served pursuant to section 46 of the *Residential Tenancy Act (Act)*, be set aside and should the Tenant be granted more time to apply to set aside the Notice?

Background and Evidence

The hearing was scheduled for 9:00 a.m. on this date and by 9:11 a.m. the Landlord had appeared but the Tenant had not appeared. While we were waiting for the Tenant to appear the Landlord requested an Order of Possession

Analysis

I find that the Landlord failed to diligently pursue the application and I therefore dismiss the application without leave to reapply.

Conclusion

As I have dismissed the Tenant's Application for Dispute Resolution, I grant the Landlord an Order of Possession, as requested at the hearing, pursuant to section 55(1) of the *Act*. The Notice is effective two days after it is served 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: November 27, 2013

Residential Tenancy Branch