



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Okanagan Metis and Aboriginal Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, MT

### Introduction

This was the hearing of an application by the tenant to cancel a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The landlord's representatives called in to participate in the hearing at the scheduled time, but the tenant did not call in and did not participate although this was the hearing of her application and although the hearing was kept open for 10 minutes after the scheduled start time to allow the tenant time to call in to take part in the hearing.

### Issue(s) to be Decided

Should the Notice to End Tenancy dated September 24, 2013 be cancelled?

### Analysis

The tenant had not appeared at the hearing of her application by 2:40 P.M. In the absence of an appearance by the applicant, I dismiss her application for dispute resolution without leave to reapply.

Section 55 of the *Residential Tenancy Act* provides as follows:

- 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.

Conclusion

I have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective two days after service upon the tenant. This order may be registered in the Supreme Court 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: December 10, 2013

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Residential Tenancy Branch

