



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA WOMEN'S RESOURCE SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNC

Introduction

This matter was set for hearing at 10:00 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 on December 06, 2013 with an effective date of January 31, 2014. The tenant's advocate and the respondent landlord attended the hearing, but the applicant tenant did not. As a result, as the applicant did not appear in the hearing by 10:10 a.m., and the respondent did appear and was ready to proceed in their defence, I **dismissed** the tenant's application without leave to reapply pursuant to rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*.

The landlord orally requested an Order of Possession.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Analysis

The tenant and applicant in this matter failed to appear for a scheduled Dispute Resolution hearing and as a result their application to set aside a One Month Notice to End Tenancy for Cause has been dismissed without leave to reapply.

Section 55 of the *Act* provides that if a tenant's application to dispute Notice to End Tenancy is dismissed, and the landlord makes an oral request for an Order of

Possession, then the Director *must* give an Order of Possession of the rental unit to the landlord. The landlord did make such a request for an Order of Possession to the rental unit for when legally effective. The landlord will be issued an Order of Possession for January 31, 2014 – the effective date of the Notice to End in this matter.

Conclusion

The tenant's application disputing a One Month Notice to End Tenancy with an effective date of January 31, 2014 has been **dismissed** without leave to re-apply.

The landlord is issued an Order of Possession **effective January 31, 2014** pursuant to Section 55(1) of the *Act*. If necessary, this Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

This Decision and order is final and binding on both parties.

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: January 07, 2014

Residential Tenancy Branch

