



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Burnaby Association for Community Inclusion
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This was an application by the tenant to cancel a Notice to End Tenancy for cause. The hearing was scheduled to be conducted as conference call hearing on April 17, 2104 at 10:30 A.M. The landlord's representative called in at the appointed time. The tenant did not call in and did not participate although the hearing was kept open until after 10:40 A.M.

Background and Evidence

The tenant was served with a one month Notice to End Tenancy for cause dated February 13, 2014. The Notice was served on February 14, 2014 by posting a copy to the door of the rental unit. The landlord's representative testified that the tenant acknowledged to her that she received the Notice. The tenant filed her application to cancel the Notice to End Tenancy on February 26, 2014. The Notice to End Tenancy required the tenant to move out of the rental unit by March 31, 2014.

Analysis

The tenant had not appeared at the hearing of her application by 10:40 A.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: April 17, 2014

Residential Tenancy Branch

