



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NEW CHELSEA SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes For the tenant: RP, CNC
For the landlord: OPC

Introduction and Preliminary Matter

This hearing was convened as a result of the cross applications of the parties for dispute resolution under the Residential Tenancy Act (the “Act”).

The tenant applied for an order cancelling the landlord’s 1 Month Notice to End Tenancy for Cause (the “Notice”) and an order requiring the landlord to make repairs to the rental unit.

The landlord applied for an order of possession for the rental unit due to alleged cause.

The teleconference hearing began at 1:30 p.m. as scheduled and the telephone system remained open and was monitored for 12 minutes. During this time, the tenant did not dial into the telephone conference call hearing; however the landlord’s representatives appeared and were ready to proceed with the hearing. During the hearing, the landlord confirmed their request for an order of possession for the rental unit.

As a further preliminary matter, the landlord stated that they had not served their application and Notice of Hearing on the tenant as they had not received the hearing package from the Residential Tenancy Branch (“RTB”) after filing and therefore were not able to serve the hearing package.

As the landlord did not serve the tenant with their application as required by section 89(1) of the Act, through no fault of their own, I was unable to proceed with a hearing on the landlord’s application, and I dismiss their application.

Analysis and Conclusion

In the absence of the tenant to support her application, pursuant to section 10.1 of the Dispute Resolution Rules of Procedure (Rules), I dismiss the tenant's application, without leave to reapply.

As I have dismissed the tenant's application for dispute resolution, under section 55(1) of the Act, I must grant the order of possession to the landlord due to their request during the hearing.

I therefore grant the landlord an order of possession for the rental unit effective May 31, 2014, the effective end of tenancy date listed on the landlord's 1 Month Notice.

This final, legally binding order of possession is enclosed with the landlord's Decision and must be served upon the tenant.

Should the tenant fail to vacate the rental unit pursuant to the terms of the order, this order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court. The tenant is advised that costs of such enforcement are recoverable from 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: May 8, 2014

Residential Tenancy Branch

