



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Parkside Realty  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR

### Introduction

This matter was set for hearing at 09.00 a.m. on this date to hear the tenants' application to have a 10 Day Notice to End Tenancy for unpaid rent set aside. Since the applicants did not appear at the hearing by 09.10 a.m., but the respondent did appear and was ready to proceed, I dismiss the tenants' application without leave to reapply pursuant to rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Analysis

The tenants have failed to appear for a scheduled Dispute Resolution hearing and as a result the tenants' application to set aside a 10 Day Notice to End Tenancy for unpaid rent has been dismissed.

Section 55(1) of the *Act* provides that if a tenant's application to dispute a Notice to End Tenancy Due is dismissed, and the landlord makes an oral request for an Order of Possession at the hearing, then the director must issue an Order of Possession of the rental unit to the landlord.

The landlord's agent has made an oral request for an Order of Possession for the rental unit at the hearing. The landlord's agent states that he believes the tenants may have moved from the rental unit on May 03, 2014 however requests an Order of Possession in any event. The effective date of the 10 Day Notice was March 24, 2014; as this date has since passed I grant the landlords request and issue an Order of Possession for two days after service.

### Conclusion

The tenants' application is dismissed without leave to re-apply.

The landlord has been issued an Order of Possession effective **two (2) days** after service upon the tenants pursuant to section 55(1) of the *Act*. This Order must be served on the tenants. If the tenants remain in Possession of the rental unit and do not relinquish that possession to the landlord then the Order and may be filed in the Supreme Court and enforced as an order of that Court.

As the applicant did not appear at the hearing today; I Order that the applicant pay the filing fee of **\$50.00** that was previously waived to the director of the Residential Tenancy Office.

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 05, 2014

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Residential Tenancy Branch

