



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, FF

Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenant has applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and return of the filing fee costs.

This matter was set for hearing at 9 a.m. on this date. The applicant/tenant did not attend. The landlord was present at the scheduled start time of the hearing;

Section 10.1 of the Residential Tenancy Branch Rules of Procedure provides:

10.1 Commencement of the dispute resolution proceeding

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

The effective date of the 10 day Notice to end tenancy for unpaid rent that is in dispute was May 25, 2014. Therefore, as the effective date of the Notice has passed I find, in the absence of the tenant by 9:10 a.m., that the application is abandoned and dismissed without leave to reapply.

Section 55 of the Act provides:

Order of possession for the landlord

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.

While waiting for the tenant to attend the hearing the landlord made a verbal request for an Order of possession. Therefore, pursuant to section 55 of the Act I find that the landlord is entitled to an Order of possession

The landlord has been granted an Order of possession that is effective **two days after it is served upon the tenant**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The application is dismissed.

The landlord is entitled to an Order of possession.

This decision is final and binding and 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: July 11, 2014

Residential Tenancy Branch

