



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROWN BROS. AGENCIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OPT

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking an order to cancel a one month Notice to End Tenancy issued for cause.

Despite this being the Tenant's Application, the Tenant did not appear.

Two Agents for the Landlord appeared.

Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled?

Background and Evidence

The Landlord issued the Tenant a one month Notice to End Tenancy for cause, served by posting to the door of the rental unit on August 27, 2014. The Tenant filed her Application to dispute the one month Notice to End Tenancy on August 28, 2014.

The one month Notice to End Tenancy had an effective end date to the tenancy of September 30, 2014.

Analysis

This matter was set for hearing by telephone conference call at 9:00 a.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Respondent.

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

Commencement of Hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the

hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

As the Applicant did not attend the hearing by 9:10 a.m., and the Respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply. I further find that the Notice is valid in form.

After the Tenant's Application was dismissed, an Agent for the Landlord requested an order of possession to take effect on the effective date of the Notice. Pursuant to section 55 of the Act, I must grant that request.

I grant and issue an order of possession to be effective **at 1:00 p.m. on September 30, 2014**, in favour of the Landlord.

Conclusion

The Tenant failed to appear and the Respondent appeared and was ready to proceed, therefore, this Application is dismissed without leave to reapply.

Pursuant to an oral request and section 55 of the Act, the Landlord is issued an order of possession for the rental unit effective at **1:00 p.m. September 30, 2014**.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: September 15, 2014

Residential Tenancy Branch