



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was scheduled for 3:00 p.m. on this date to hear the tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent. The landlord appeared at the hearing but the tenant did not, despite leaving the teleconference call open at least 10 minutes.

Since the landlord appeared and was prepared to proceed with the tenant's application in the absence of the tenant I dismissed the tenant's application without leave to reapply.

The landlord stated the tenant continued to reside in the rental unit and the landlord orally requested an Order of Possession during the hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Analysis

Section 55 of the Act provides that an Order of Possession shall be granted to a landlord where:

- The tenant files to cancel a notice to End Tenancy and the application is dismissed; and,
- The landlord orally requests an Order of Possession during the scheduled hearing.

I was satisfied that the above described criteria have been met; therefore, I provide the landlord with an Order of Possession.

Provided to the landlord with this decision is an Order of Possession effective two (2) days after service upon the tenant.

Conclusion

The tenant's application to cancel the 10 Day Notice was dismissed and the landlord's request for an Order of Possession was granted under section 55 of the Act. The landlord has been provided an Order of Possession effective two (2) days after service upon 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: October 14, 2014

Residential Tenancy Branch

