



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC, RP, ERP,

Introduction

This matter was set for hearing at 1:30 p.m. on this date to hear the tenant's application disputing a One Month Notice to End Tenancy for Cause issued by the landlord on July 25, 2014 with an effective date of August 31, 2014. The applicant tenant did not attend the conference call hearing. The respondent landlord appeared in the hearing and requested an Order of Possession. As a result, I **dismissed** the tenant's 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 tenant and applicant in this matter failed to appear for a scheduled Dispute Resolution hearing and as a result their application to set aside a One Month Notice to End Tenancy for Cause has been dismissed without leave to reapply.

Section 55 of the *Act* provides that if a tenant's application to dispute Notice to End Tenancy is dismissed, and the landlord makes an oral request for an Order of Possession, then the Director *must* give an Order of Possession of the rental unit to the landlord. The landlord did make such a request for an Order of Possession to the rental

unit. As the effective date of the Notice to End has passed, the landlord will be issued an Order of Possession effective 2 days from the day it is served on the tenant.

Conclusion

The tenant's application disputing a One Month Notice to End Tenancy with an effective date of August 31, 2014 has been **dismissed** without leave to re-apply.

The landlord is issued an Order of Possession **effective 2 days** from the day it is served on the tenant pursuant to Section 55(1) of the *Act*. If necessary, this Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

This Decision and Order is final and binding on both parties.

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

