



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 scheduled for 11:00 a.m. on this date concerning the tenant's application for an order cancelling a notice to end tenancy for unpaid rent or utilities and to recover the filing fee from the landlord for the cost of the application.

The landlord attended the hearing and was prepared to respond to the tenant's application, however, the tenant did not attend. The line remained open while the phone system was monitored for 10 minutes and the only participant who joined the call was the landlord. Therefore, I hereby dismiss the tenant's application without leave to reapply.

During the course of the hearing, the landlord requested an Order of Possession. The *Residential Tenancy Act* states:

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.

Having dismissed the tenant's application, and having heard the oral request of the landlord for an Order of Possession, the landlord is entitled to same. Since the effective date of vacancy in the notice to end tenancy has passed, I hereby order that the Order of Possession be granted on 2 days notice to the tenant.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed without leave to reapply.

I hereby grant an Order of Possession in favour of the landlord on 2 days notice to the tenant.

This order is final and binding and may be enforced.

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: November 14, 2014

Residential Tenancy Branch

