



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, OPC, FF

### Introduction

This matter was set for hearing at 1.30 p.m. on this date to hear the tenant's application to have a 10 Day Notice to End Tenancy for unpaid rent set aside; for an Order for the landlord to comply with the *Residential Tenancy Act (Act)*, regulations and tenancy agreement; and to recover the filing fee from the landlord paid for this application.

Since the applicant did not appear at the hearing by 1.40 p.m., but the respondent did appear and was ready to proceed, I dismiss 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 tenants have failed to appear for a scheduled Dispute Resolution hearing and as a result the tenants' application to set aside a 10 Day Notice to End Tenancy for unpaid rent has been dismissed.

Section 55(1) of the *Act* provides that if a tenant's application to dispute a Notice to End Tenancy Due is dismissed, and the landlord makes an oral request for an Order of Possession at the hearing, then the director must issue an Order of Possession of the rental unit to the landlord.

The landlord's agent has made an oral request for an Order of Possession for the rental unit at the hearing. The effective date of the 10 Day Notice was November 10, 2014; as this date has since passed I grant the landlord's agent oral request and issue an Order of Possession for two days after service.

### Conclusion

The tenant's application is dismissed in its entirety without leave to re-apply.

The landlord has been issued an Order of Possession effective **two (2) days** after service upon the tenant pursuant to section 55(1) of the *Act*. This Order must be served on the tenant. If the tenant remains in Possession of the rental unit and do not relinquish that possession to the landlord then the Order and may be filed in the Supreme Court and enforced as an order of that Court.

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: December 09, 2014

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Residential Tenancy Branch

