



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ARNO HOTEL  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes            CNC, OPC, FF

### Introduction

This hearing was convened in response to applications by the tenant and the landlord.

The tenant's application seeks an order as follows:

1. To cancel a 1 Month Notice to End Tenancy for Cause, issued December 30, 2014.

The landlord's application is seeking orders as follows:

1. For an order of possession; and
2. To recover the cost of filing the application.

The landlord's agent attended. The advocate for the tenant attended. The advocate stated that she has not spoken to the tenant since the application was filed. The tenant did not appear.

### Tenant's application

This matter was set for hearing by telephone conference call at 11:00 A.M on this date. The line remained open while the phone system was monitored for ten minutes. The tenant did not attend during this time and the landlord was ready to proceed, as the tenant did not attend the hearing by 11:10 A.M, I dismiss the tenant's application without leave to reapply.

### Landlord's application

The landlord attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The landlord's agent stated that the Application for Dispute Resolution and Notice of Hearing were served in person on January 20, 2015.

I find that the tenant has been duly served in accordance with the Act.

### Issues to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to recover the cost of the filing fee?

### Background and Evidence

As the tenant's application is dismissed and the landlord requested an order of possession, pursuant to section 55 of the Act, I must grant this request.

Section 55(1) of the Act states:

#### Order of possession for the landlord

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.

As I have dismissed the tenant's application, I find that the landlord is entitled to an order of possession effective **January 31, 2015 at 1:00 P.M.** This order must be served on the tenant and may be filed in the Supreme Court.

As the landlord was successful with their application, the landlord is entitled to recover the cost of the filing fee for the tenant. The landlord is authorized to deduct \$50.00 from the tenant's security deposit in full satisfaction of this award.

### Conclusion

The tenant's application is dismissed. The landlord is granted an order of possession and is authorized to deduct \$50.00 from the tenant's security deposit in full satisfaction of this award.

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: January 28, 2015

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Residential Tenancy Branch

