



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Willow Point Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP RR MNDC CNR

Introduction

This hearing first convened on January 26, 2015 pursuant to the tenant's application for emergency repairs, monetary compensation and a reduction in rent. The tenant and the landlord called in to the teleconference hearing on that date.

The tenant requested a brief adjournment to obtain some additional evidence. The parties informed me that they had a second hearing scheduled for January 30, 2015, and the tenant stated that this would be sufficient time to obtain and submit his additional evidence. The tenant's second application was to cancel a notice to end tenancy for unpaid rent.

I granted the adjournment and ordered the tenant's first application joined to the second application, to be heard together on January 30, 2015 at 9:00 a.m.

I note that the tenant did not submit any additional evidence between January 26, 2015 and January 30, 2015.

Reconvened Hearing

The hearing reconvened as scheduled at 9:00 a.m. on January 30, 2015. The landlord called in to the teleconference hearing but the tenant did not. The line remained open while the phone system was monitored for twelve minutes and the only participant who called into the hearing during this time was the respondent landlord.

The audit notes on file for the second application indicate that the teleconference access codes provided on the Notice of Hearing document were incorrect, but on January 20, 2015 an information officer contacted both parties, provided them with the correct access code and had them repeat it back to ensure they had written down the correct number.

As the applicant tenant did not attend the hearing by 9:12 a.m., and the respondent landlord appeared and was ready to proceed, I dismiss both of the tenant's applications without leave to reapply.

Order of Possession

Section 55 of the Act states that when a tenant applies to cancel a notice to end tenancy and the application is dismissed, if the landlord orally requests an order of possession in the hearing then the order of possession must be granted.

In the hearing, the landlord appeared and orally requested an order of possession. Accordingly, I grant the landlord an order of possession.

Conclusion

Both of the tenant's applications are dismissed without leave to reapply.

I grant the landlord an order of possession. The order of possession is effective two days after service. If the landlord serves the tenant with the order of possession and the tenant fails to comply with the order, the order may be filed in the Supreme Court of British Columbia 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: January 30, 2015

Residential Tenancy Branch

