



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This matter was set for hearing at 11.00 a.m. on this date to hear the tenants' application to have a 10 Day Notice to End Tenancy for unpaid rent set aside. Since the applicants did not appear at the hearing by 11.10 a.m., but the respondent did appear and was ready to proceed, I dismiss the tenants' 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 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 December 20, 2014; as this date has since passed I grant the landlord's oral request and issue an Order of Possession for two days after service.

Conclusion

The tenants' 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 tenants pursuant to section 55(1) of the *Act*. This Order must be served on the tenants. If the tenants remain 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: January 13, 2015

Residential Tenancy Branch

