



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, O

Introduction

This hearing was scheduled to convene at 9:30 a.m. on this date by way of conference call concerning an application made by the tenant for an order cancelling a notice to end tenancy for unpaid rent or utilities.

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 15 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 hearing, the landlord requested an Order of Possession. The *Residential Tenancy Act* states that where a tenant's application to cancel a landlord's notice to end the tenancy is dismissed, and the landlord makes an oral request for an Order of Possession, I must grant one. I have reviewed the first page of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities provided by the tenant, and since the effective date of vacancy has already passed, I find that the landlord is entitled to an Order of Possession on 2 days notice to the tenant.

Residential Tenancy Act:

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.

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: January 20, 2015

Residential Tenancy Branch

