



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC

Introduction

This matter was set for hearing at 1.30 p.m. on this date to hear the tenant's application to have a One Month Notice to End Tenancy for cause set aside and for an Order for the landlords to comply with the *Residential Tenancy Act (Act)*, regulations or tenancy agreement. Since the applicant did not appear at the hearing by 1.40 p.m., but the respondents did appear and were ready to proceed, I dismissed 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

Are the landlords entitled to an Order of Possession?

Analysis

The tenant has failed to appear for a scheduled Dispute Resolution hearing and as a result the tenant's application to set aside a One Month Notice to End Tenancy for cause and for an Order for the landlord to comply with the *Act* 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 landlords made an oral request for an Order of Possession for the rental unit at the hearing. The effective date of the One Month Notice is January 31, 2015. I therefore grant the landlords' oral request and issue an Order of Possession to the landlords.

Conclusion

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

The landlords have been issued an Order of Possession effective **on January 31, 2015** 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 does not relinquish that possession to the landlords then the Order 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 21, 2015

Residential Tenancy Branch

