



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC

Introduction

This matter was set for hearing at 09.00 a.m. on this date to hear the tenant's application for more time to file an application to have a One Month Notice to End Tenancy set aside and to have a One Notice to End Tenancy for cause set aside. Since the applicant did not appear at the hearing by 09.12 a.m., but the respondent did appear and was ready to proceed, I dismiss 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

Is the landlord 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 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 One Month Notice is January 31, 2015; I therefore grant the landlord's oral request and issue an Order of Possession for that date.

Conclusion

The tenants' application is dismissed in its entirety without leave to re-apply.

As the applicant did not appear at the hearing today; I Order that the applicant pay the filing fee of **\$50.00** that was previously waived to the director of the Residential Tenancy Office.

The landlord has 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 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 23, 2015

Residential Tenancy Branch

