



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PRUDENTUAL POWER PLAY REALTY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, FF

### Introduction

This matter was set for hearing at 1.30 p.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 1.40 p.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*.

### Preliminary Issues

The landlord attending the hearing stated that the tenant has put the wrong business name for the landlords on their application and misspelt the landlord's last name. The landlord requested that these errors are amended by the Arbitrator and accordingly the Arbitrator has amended the errors to show the correct business name for the landlord and the correct spelling of the landlord's last name.

### 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 January 17, 2015; 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: February 03, 2015

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Residential Tenancy Branch

