



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

MT, CNR

### **Introduction**

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenant has applied for more time to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and to cancel the Notice issued on February 17, 2015; received by the tenant on February 23, 2015. The Notice has an effective date of February 27, 2015.

This matter was set for hearing at 9 a.m. on this date, based on the tenants' February 27, 2015 application. The tenant did not attend the hearing in support of his application. The landlord was present at the scheduled start time of the hearing;

Residential Tenancy Branch Rules of Procedure provides:

### ***10.1 Commencement of the dispute resolution proceeding***

*The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.*

In the absence of an appearance by the tenant by 10:40 a.m., this application is abandoned and dismissed without leave to reapply.

The landlord said that they want the tenant out of the rental unit; he has not paid March or April 2015 rent owed. A second 10 day Notice ending tenancy has been served to the tenant.

Section 55(1) of the Act provides:

**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*

I find that a request to have the tenant move out of the rental unit is the equivalent to a request for possession of the rental unit. Therefore, I find that the landlord has made a request equivalent to that required by section 55 of the Act and that the landlord is entitled to an Order of possession.

Therefore, the landlord has been granted an Order of possession that is effective **two days after it is served upon the tenant**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

#### Conclusion

The tenant's application is dismissed.

The landlord is entitled to an Order of possession.

This decision is final and binding and 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: April 07, 2015

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Residential Tenancy Branch

