



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FRED WEST HOLDINGS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR CNC FF

Introduction

This matter was convened in response to the tenant's application disputing a 10 Day Notice to End Tenancy for Unpaid Rent and a One Month Notice to End Tenancy for Cause issued by the landlord on May 31, 2015. The respondent landlord stated they had been served with the tenant's Application and notice of Hearing and attended the conference call hearing, but the applicant tenant did not. The landlord orally requested an Order of Possession in this matter.

Issues(s) to be Decided

Should the landlord's Notice(s) to end be cancelled?
Is the landlord entitled to an Order of Possession?

Background and Evidence

The undisputed testimony of the landlord is that they served the tenant the 10 Day Notice for unpaid rent dated May 31, 2015 and the 1 Month Notice to End for Cause for the same date. The landlord testified that the tenant is still residing in the unit and has not paid any rent for the past 3 months. None the less, the tenant applied to dispute the 2 Notices of the landlord on June 05, 2015.

The applicant tenant was provided with a copy of the Notice of a Dispute Resolution Hearing after filing their application. The tenant, however, did not attend the hearing set for today at 11:00 a.m. The phone line remained open for ten minutes and was monitored throughout this time. The only party to call into the hearing were the respondent landlord.

Analysis

The tenant and applicant in this matter failed to appear for a scheduled Dispute Resolution hearing and as a result their application to set aside a One Month Notice to End Tenancy for Cause is **dismissed**, without leave to reapply.

Section 55 of the *Act* provides that if a tenant's application to dispute a Notice to End Tenancy is dismissed, and the landlord makes an oral request for an Order of Possession, then the Director *must* give an Order of Possession of the rental unit to the landlord. The landlord did make such a request for an Order of Possession to the rental unit. As the effective date of both of the landlord's Notices has passed, the landlord will be issued an Order of Possession effective 2 days from the day it is served on the tenant.

Conclusion

The tenant's application disputing a 10 Day Notice for Unpaid Rent and a 1 Month Notice to End Tenancy for Cause is **dismissed**, without leave to re-apply.

The landlord is issued an Order of Possession **effective 2 days** from the day it is served on the tenant. If necessary, this Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

This Decision and order is final and binding on both parties.

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: July 27, 2015

Residential Tenancy Branch

