



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding WING LEE HOLDINGS LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Tenant on June 19, 2015 to dispute a 10 Day Notice to end tenancy issued for unpaid rent.

The hearing was conducted via teleconference and was attended by the Landlord. No one was in attendance on behalf of the Tenant despite this hearing being convened to hear the Tenant's application.

### Issue(s) to be Decided

- 1) Should this application be dismissed with or without leave to reapply?
- 2) If dismissed, did the Landlord request an Order of Possession?

### Background and Evidence

There was no additional evidence or testimony provided in support of the Tenant's claim as no one attended on behalf of the Tenant.

The Landlord appeared and requested an Order of Possession.

### Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing.

In the absence of the applicant Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenant called into the hearing during this time.

Rule 10.1 of the Rules of Procedure provides as follows:

**10.1 Commencement of the hearing** The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing 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 any submissions from the applicant Tenant I find the Tenant failed to prove the merits of her application. Accordingly, I order the application dismissed without liberty to reapply.

Section 55(1) of the *Act* provides that an Order of Possession must be provided to a Landlord if a Tenant's request to dispute a Notice to End Tenancy is dismissed and the Landlord makes an oral request for an Order of Possession during the scheduled hearing.

The Landlord attended the hearing and made an oral request for an Order of Possession. Accordingly, I granted the Order in accordance with section 55(1) of the *Act*.

#### Conclusion

The Tenant's application was dismissed, without leave to reapply and the Landlord's request for an Order of Possession was granted.

The Landlord has been issued an Order of Possession effective **Two (2) Days after service upon the Tenant**. In the event that the Tenant does not comply with this Order it may be filed with 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: August 18, 2015

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Residential Tenancy Branch

