



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This was a hearing with respect to the tenant's application to cancel a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The landlord's representatives called in at the appointed time. The tenant did not attend, although this was the hearing of her application for dispute resolution

Issue(s) to be Decided

Should the Notice to End Tenancy dated July 15, 2015 be cancelled?

Background and Evidence

The rental unit is an apartment in Surrey. On July 20, 2015 the tenant applied for dispute resolution to cancel a Notice to End Tenancy for cause. The tenant and the landlord have submitted documentary evidence to the Residential Tenancy Branch with respect to this application.

The hearing of this application commenced at 10:30 A.M. The hearing was kept open and the landlord's representatives remained in attendance until 10:45 A.M. when the hearing was concluded. The tenant did not call in to participate in the hearing.

The landlord's representative requested at the hearing that the landlord be granted an order for possession. The tenant has paid rent for the month of September. The landlord's representative said that the landlord may be prepared to give the tenant some additional time to move.

Analysis

The tenant had not appeared at the hearing of her application by 10:45 A.M. In the absence of an appearance by the applicant, I dismiss her application for dispute resolution without leave to reapply.

Section 55 of the *Residential Tenancy Act* provides as follows:

- 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 have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective September 30, 2015 after service upon the tenant. This order may be registered 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: September 24, 2015

Residential Tenancy Branch

