



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      CNR

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution, seeking to cancel a 10 day Notice to End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice") dated September 3, 2015.

Two agents for the landlord appeared at the teleconference hearing. The hearing was by telephone conference call and began promptly at 11:00 a.m., Pacific Time, on Thursday, November 12, 2015. The line remained open while the phone system was monitored for ten minutes. The only participants who called into the hearing during this time were the two respondent agents for the landlord. As the applicant tenant did not attend the hearing to present the merits of their application and after the ten minute waiting period had elapsed, the tenant's application was **dismissed without leave to reapply**.

The agents testified that the tenant continues to occupy the rental unit. Section 55 of the *Act* states:

### **Order of possession for the landlord**

**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.**

[my emphasis added]

Given the above and following my dismissal of the tenant's application, the agents verbally requested an order of possession. Pursuant to section 55 of the Act, I must grant that request. Therefore, I grant the landlord an order of possession effective **two (2) days** after service upon the tenant.

### Conclusion

The tenant's application is dismissed without leave to reapply.

The landlord has been granted an order of possession effective two (2) days after service upon the tenant. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, except as otherwise provided under the Act, 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: November 16, 2015

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Residential Tenancy Branch

