



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PIER MAC PETROLEUM INSULATION LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

CNC, CNR, FF

### **Introduction**

This matter was set for hearing at 9:00 a.m. on this date to hear the tenant's application disputing a One Month Notice to End Tenancy for Cause and to cancel a 10 Day Notice to end Tenancy for Unpaid Rent. The respondent landlord attended the hearing, but the applicant tenant did not. As a result, as the applicant did not appear in the hearing by 9:40 a.m., and the respondent did appear and was ready to proceed in their defence, I **dismissed** the tenant's application without leave to reapply pursuant to rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*.

The landlord orally requested an Order of Possession.

### **Issues(s) to be Decided**

Is the landlord entitled to an Order of Possession?

### **Analysis**

The tenant and the 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 has been **dismissed**, *without leave to reapply*.

**Section 55** of the *Act* provides that if a tenant's application to dispute 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 for when legally effective. As the effective date of both Notices to End in this matter 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 has been **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** pursuant to Section 55(1) of the *Act*. 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: December 01, 2015

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Residential Tenancy Branch

