



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

This is an application brought by the tenant requesting an order canceling a Notice to End Tenancy that was given for nonpayment of December 2015 rent.

The application has been dismissed however, because even though I waited until well past the time at which the hearing was to start, the applicant did not join the conference call that was set up for the hearing.

At the hearing the landlord requested an Order of Possession, testifying that, as of today's date, there is now two months' rent outstanding, December 2015 rent, and January 2016 rent.

Section 55 of the Residential Tenancy Act states:

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 to the landlord an order of possession of the rental unit if

(a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

Therefore, in this case since I have dismissed the tenant's application, I have allowed the landlords request for an Order of Possession.

Conclusion

I have dismissed this application without leave to re-apply and I have issued an Order of Possession to the landlord that is enforceable two days after service on the tenant.

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: January 12, 2016

Residential Tenancy Branch

