



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Homelife Glenayre REalty Chilliwack Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNR

Introduction

This hearing was scheduled in response to the tenants' Application for Dispute Resolution, in which the tenant has applied to cancel a 1 month Notice ending tenancy for cause.

This matter was set for hearing at 9:00 a.m. on this date. The landlord attended the hearing at 9:04 a.m. By 9:11 a.m. the tenant had not attended the hearing.

Residential Tenancy Branch Rules of Procedure provides:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply

In the absence of an appearance by the tenant by 9:11 a.m.; I find pursuant to section 62(3) of the Act, that this application is abandoned and dismissed without leave to reapply.

Section 55(1) of the Act provides:

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, as the tenants' application is dismissed I find that the landlord must be issued an Order of possession. The landlord confirmed they wished to receive an Order.

The landlord has been granted an Order of possession that is effective **two days after it is served upon the tenant**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The application is dismissed.

The landlord has been issued an Order of possession.

This decision is final and binding 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: March 21, 2016

Residential Tenancy Branch

