



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, MT, O

### Introduction

This matter was set for hearing at 09.00 a.m. on this date to hear the tenant's application for more time to file an application to cancel a Notice to End Tenancy; to have a 10 Day Notice to End Tenancy for unpaid rent or utilities set aside and other issues. Since the applicant did not appear at the hearing by 09.13 a.m., but the respondent did appear and was ready to proceed, I dismiss the tenant's application without leave to reapply pursuant to rule 7.3 of the Residential Tenancy Branch *Rules of Procedure*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Analysis

The tenant has failed to appear for a scheduled Dispute Resolution hearing and as a result the tenant's application to set aside a Notice to End Tenancy has been dismissed.

S. 55(1) of the *Act* provides that:

**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.*

The landlord testified that the tenant has still not paid the rent arrears and requested an Order of Possession for the rental unit at the hearing. The effective date of the 10 Day Notice is May 26, 2016. As I have dismissed the tenant's application I therefore issue an Order of Possession to the landlord.

### Conclusion

The tenant's application is dismissed without leave to re-apply.

The landlord has been issued an Order of Possession effective on **two days after service upon the tenant** pursuant to s. 55(1)(b) of the *Act*. This Order must be served on the tenant. If the tenant remains in Possession of the rental unit and does not relinquish that possession to the landlord then the Order may be filed in the Supreme Court of British Columbia 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: June 22, 2016

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Residential Tenancy Branch