



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MT, CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to allow a tenant more time to make an application to cancel a Notice to End Tenancy and to cancel a 1 Month Notice to End Tenancy for Cause issued on April 4, 2016.

This matter commenced on May 25, 2016, and was adjourned today's date. An interim decision was made which should be read in conjunction.

At the reconvene hearing which was scheduled for today, July 5, 2016, only the landlord's agent appeared. The agent stated that the tenant did not fully comply with the interim decision. The agent stated that the advocate made an appointment to meet with them as stated in the interim decision; however, the advocate failed to attend the scheduled meeting.

This matter was scheduled for continuation of hearing by telephone conference call at 9:30 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenant did not attend the hearing by 9:40 A.M, and the landlord's agent appeared and was ready to proceed, I dismiss the tenant's claim without leave to reapply.

Section 55(1) 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 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.

As I have dismissed the tenant's application, pursuant to section 55 of the Act I must grant the landlord an order of possession of the rental unit.

Therefore, I find that the landlord is entitled to an order of possession effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

### Conclusion

The tenant's application is dismissed. The landlord is granted an order of possession.

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: July 05, 2016

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Residential Tenancy Branch