



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes cnr

Introduction

The tenant applies for an order to cancel a 10 Day Notice to End Tenancy.

The tenant failed to attend the hearing. The landlord was represented.

Issue(s) to be decided

1. What is the effect of the tenant not attending this hearing?
2. Is the landlord entitled to an Order of Possession?

Background and Evidence

On June 23, 2016, the landlord served the tenant a 10 Day Notice to End Tenancy, effective to end this tenancy on July 4, 2016. On July 4, 2016, as confirmed by the "Received" stamp on her application, the tenant applied for an order that this notice be cancelled. The tenant did not attend the scheduled hearing, however. The tenant continues to reside in the premises.

The landlord's representative confirmed that the tenant was in arrears of rent, in the sum of \$1,730 as of the date of the giving of the notice. The landlord seeks an Order of Possession effective as soon as possible.

Analysis

In the absence of any submissions or testimony at the hearing from the tenant upon which to make a decision, and as the landlord attended, I have dismissed the tenant's application, with no liberty to reapply being granted.

Section 55 (1) of the Residential Tenancy Act provides that 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 the landlord's notice is proper as to form and content, and the tenant's application to cancel the Notice is dismissed. I have reviewed the form and content of the notice, and find it to be proper. Having dismissed the tenant's claim, all required conditions for an Order of Possession are met. An Order of Possession is granted to the landlord, effective 48 hours following service upon the tenant.

Conclusion

The tenant's claim is dismissed in full. Pursuant to Section 55 of the Residential Tenancy Act, I issue an Order of Possession, effective 48 hours following service upon

the tenant. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

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: August 16, 2016

Residential Tenancy Branch