



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOTEL BOURBON
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNR, MT

Introduction

This hearing was convened in response to an application by the tenant for more time to dispute a 10 Day Notice to End for Unpaid Rent and if successful to cancel the notice.

The applicant tenant was provided with a copy of the Notice of a Dispute Resolution Hearing dated September 16, 2016 after filing their application. The tenant, however, did not attend the hearing set for today at 9:30 a.m. The phone line remained open during the hearing for a minimum of 10 minutes and was monitored throughout this time. The only party to call into the hearing was the respondent landlord. As a result, the tenant's application was preliminarily **dismissed**, without leave to reapply. The landlord testified the tenant still resides in the unit.

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 their application to set aside a 10 Day Notice to End Tenancy for Unpaid Rent has been dismissed. **Section 55** of the *Act* provides that if a tenant's application to dispute a Notice to End Tenancy is dismissed or the landlord's notice is upheld the landlord is entitled to an Order of Possession if the landlord's notice complies with Section 52 of the *Act*. In relevant part **Section 55** states as follows;

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.

I find that the landlord's Notice to End for Unpaid Rent complies with Section 52 of the Act and as a result of dismissing the tenant's application I must grant the landlord an Order of Possession.

The landlord is issued an **Order of Possession** effective **two (2) days** after it has been served on the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The tenant's application is dismissed, without leave to reapply.

The landlord is given an Order of Possession pursuant to Section 55(1) of the Act.

This Decision is final and binding on both parties.

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: November 09, 2016

Residential Tenancy Branch

