



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR MNDC

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, received at the Residential Tenancy Branch on January 2, 2017 (the "Application"). The Tenant applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated January 31, 2017 (the "10 Day Notice"); and
- a monetary order for money owed or compensation for damage or loss.

This matter was set for hearing by telephone conference call at 10:30 A.M. (Pacific Time) on March 6, 2017. 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 Respondent. Therefore, as the Applicant did not attend the hearing by 10:40 A.M, and the Respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

When a tenant's application to cancel a notice to end tenancy is dismissed and the notice complies with section 52 of the *Act*, section 55 of the *Act* requires that I grant an order of possession to a landlord. As I have dismissed the Tenant's Application and determined the 10 Day Notice complied with section 52 of the *Act*, I grant the Landlord an order of possession. The order of possession will be effective two (2) days after it is served on the Tenant.

Conclusion

The Tenant's Application is dismissed without leave to reapply.

By operation of section 55 of the *Act*, I grant the Landlord an order of possession, which will be effective two (2) days after it is served on the Tenant. The order of possession may be filed in and enforced as an Order of the Supreme Court of British Columbia.

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: March 6, 2017

Residential Tenancy Branch

