



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HOMELIFE PENINSULA PROPERTY MANAGEMENT  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Code CNR

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, dated March 3, 2017 (the "Application"). The Tenant applied for an order cancelling a Notice to End Tenancy for Unpaid Rent or Utilities, dated March 1, 2017 (the "10 Day Notice"), pursuant to the *Residential Tenancy Act* (the "Act").

This matter was set for hearing by telephone conference call at 11:00 A.M. (Pacific Time) on April 3, 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 11:10 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 for unpaid rent or utilities 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 the landlord. As I have dismissed the Tenant's Application and have determined the 10 Day Notice complies with section 52 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.

## **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: April 3, 2017

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Residential Tenancy Branch