

DECISION

Dispute Codes CNR, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the landlord. The tenant did not attend.

Issues(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a 10 Day Notice to End Tenancy for Unpaid Rent; and to a monetary Order to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to sections 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The tenant submitted into evidence the following documents:

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent dated January 18, 2010 with an effective vacancy date of February 2, 2010 for unpaid rent in the amount of \$2,100.00;
- Copies of negotiated cheques in the amount of \$1,100.00 for July 15, 2009; August 15, 2009; September 15, 2009; October 15, 2009; November 9, 2009; December 15, 2009; and January 15, 2009; and
- A note from the tenant for this hearing dated January 21, 2010 stating the tenant had requested a rent reduction from the landlord in June of 2009 and that it was agreed to.

The tenant did not appear at the hearing but the landlord did and during the hearing he requested an order of possession.

Analysis

As the tenant did not attend the hearing, I dismiss her application in its entirety, without leave to reapply.

Section 55(1) of the *Act* states that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end tenancy and the landlord makes an oral request for an order of possession, and the tenant's application is dismissed, an order of possession must be granted.

Conclusion

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

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 03, 2010.

Dispute Resolution Officer