

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to cancel a notice to end tenancy for unpaid rent.

The applicant Tenant did not appear at the scheduled hearing however the respondent Landlord appeared, gave affirmed testimony, was provided the opportunity to present her evidence orally, in writing, and in documentary form.

Issues(s) to be Decided

Is the Tenant entitled to an Order to cancel the notice to end tenancy under section 46 of the *Residential Tenancy Act*?

Background and Evidence

The respondent Landlord submitted documentary evidence which included, among other things, copies of 10 Day Notices to End Tenancy for unpaid rent, a residential tenancy agreement issued and signed by three co-tenants which lists the Tenant's name spelled differently than that on his application for dispute resolution, bank statements showing deposits made by the Tenant using a different spelling of his name, and proof of service forms signed by the Landlord's Agent who performed the service.

The Landlord testified that she attended today's hearing to request an Order of Possession so she could proceed in having the Tenants removed from the rental unit. The Landlord confirmed that her Agent personally served the two remaining tenants with the 10 Day Notices on March 10, 2010, and April 16, 2010, respectively.

Analysis

All of the testimony and documentary evidence was carefully considered.

Upon review of the 10 Day Notice to End Tenancy, I find the Notice to be completed in accordance with the requirements of the Act and I find that it was served upon the

Tenants in a manner that complies with the Act. Upon consideration of all the evidence presented to me, I find the Landlord had valid reasons for issuing the Notice.

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing. In the absence of the applicant Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenant called into the hearing during this time. Based on the aforementioned I find that the Tenant has failed to present the merits of his application and the application is dismissed.

Section 55 of the Act provides that an Order of Possession must be provided to a Landlord if a Tenant's request to dispute a Notice to End Tenancy is dismissed and the Landlord makes an oral request for an Order of Possession during the scheduled hearing.

Conclusion

I HEREBY DISMISS the Tenant's application, without leave to reapply.

I HEREBY FIND that the landlord is entitled to an Order of Possession effective **April 27, 2010 at 1:00 p.m. after service on the Tenant**. This order must be served on the Respondent 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: April 26, 2010.

Dispute Resolution Officer