

## **DECISION**

Dispute Codes      CNR

This was the hearing of an application by the tenant to cancel a Notice to End Tenancy for unpaid rent and of an application by the landlord for a monetary order and an order for possession. The hearing was conducted by conference call; it was scheduled to commence at 10:30 A. M. The landlord called in to participate in the hearing. The named witness called in, but he was excused without giving evidence. The tenant did not attend although the hearing was kept open until 10:45 A.M. In the absence of an appearance by the tenant applicant, I dismiss his application for dispute resolution without leave to reapply.

Section 55 of the *Residential Tenancy Act* provides as follows:

**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 an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

- (a) the landlord makes an oral request for an order of possession, and
- (b) the director dismisses the tenant's application or upholds the landlord's notice.

I have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective two days after service upon the tenant. This order may be registered in the Supreme Court and enforced as an order of that court.

The landlord has applied for a monetary order for unpaid rent. The landlord testified that save for payment of rent for the month of July, 2010, the tenant has paid no rent during 2010. The landlord's documents do not include any proper form of ledger recording rental payments. The landlord's evidence suggested that there may have been missed payments in 2009, but in the absence of conclusive evidence as to 2009 arrears I confine the monetary award to unpaid rent for 2010. Pursuant to the tenancy agreement produced by the landlord monthly rent was \$1,000.00. The tenant did not pay a security deposit. I award the landlord the sum of \$9,000.00 being unpaid rent for the period from January 1, 2010 to October 31, 2010 inclusive, less the sum of \$1,000.00 paid for the month of July, 2010. The landlord is entitled to recover the \$100.00 filing fee for this application for a total award of \$9,100.00 and I grant the landlord an order under section 67 in the said amount. This order may be registered in the Small Claims Court and enforced as an order of that court.