



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNQ, CNC, CNR, MNR, MNDC, MNSD, RR, FF

Introduction

This hearing was convened by way of conference call to deal with the tenant's application for an order cancelling a notice to end tenancy issued because the tenant does not qualify for subsidized housing; for an order cancelling a notice to end tenancy for cause; for an order cancelling a notice to end tenancy for unpaid rent or utilities; for a monetary order for the cost of emergency repairs; for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; for return of all or part of the pet damage deposit or security deposit; for an order allowing a tenant to reduce rent for repairs, services or facilities agreed upon but not provided; and to recover the filing fee from the landlord for the cost of this application.

The tenant did not attend the conference call hearing however one of the landlords attended the hearing and gave affirmed testimony in the absence of the tenant.

Issues to be Decided

Is the tenant entitled to an order cancelling a notice to end tenancy issued because the tenant does not qualify for subsidized housing?

Is the tenant entitled to an order cancelling a notice to end tenancy for cause?

Is the tenant entitled to an order cancelling a notice to end tenancy for unpaid rent or utilities?

Is the tenant entitled to a monetary order for the cost of emergency repairs?

Is the tenant entitled to a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement?

Is the tenant entitled to a monetary order for return of all or part of the pet damage deposit or security deposit?

Is the tenant entitled to an order allowing the tenant to reduce the rent for repairs, services or facilities agreed upon but not provided?

Background and Evidence

The landlord testified that the tenant has been residing in the rental unit for over 4 years. Rent in the amount of \$1,500.00 per month is payable in advance on the 1st day of each month. He stated that the tenant did not pay rent in full in October, 2010, having paid \$600.00 leaving a balance outstanding of \$900.00. The tenant further failed to pay any rent for the months of November and December, 2010.

The landlord further testified that he issued a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities and provided a copy of that notice. He stated that the notice was served personally on the tenant on December 2, 2010. The notice is dated December 2, 2010 and contains an expected date of vacancy of December 12, 2010. The rent has still not been paid. The landlord asks for an Order of Possession for unpaid rent.

Analysis

The tenant failed to attend the hearing to support the Tenant's Application for Dispute Resolution, and therefore the application must be dismissed.

The *Residential Tenancy Act* states that:

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 find that the 10 Day Notice to End Tenancy was served personally on the tenant on December 2, 2010. Further, I find that the landlord's oral application for an Order of Possession is justified.

Conclusion

Based on the above facts I find that the landlord is entitled to an Order of Possession. The tenant must be served with the Order of Possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The tenant's application is hereby dismissed in its entirety without leave to reapply.

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: December 23, 2010.

Dispute Resolution Officer