

Decision

Dispute Codes: CNR, MNDC, OPR

Introduction

This hearing dealt with the tenant's application for cancellation of the notice to end tenancy, and a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement. The landlord / respondent was present at the scheduled start time of the hearing which was 11:30 a.m. However, as at 11:40 a.m. the tenant / applicant had still not appeared and the hearing was then concluded. During the hearing the landlord made an oral request for an order of possession.

Issues to be decided

- Whether either party is entitled to any of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from September 1, 2010 to September 1, 2011. Monthly rent is \$950.00.

Arising from rent which was unpaid when due on January 1, 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent dated January 14, 2011. The notice was served by way of posting on the tenant's door on that same date. Subsequently, while the tenant filed an application for dispute resolution on January 21, 2011, the landlord testified that she made no further payment toward rent, and it appears that she continues to reside in the unit.

Analysis

Section 55 of the Act provides, in part, 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.

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated January 14, 2011. The tenant did not pay the outstanding rent within 5 days of receiving the notice and, while she applied to dispute the notice, she did not attend the hearing. The tenant's application is therefore dismissed in its entirety, and I find that the landlord is entitled to an order of possession.

Conclusion

The tenant's application is hereby dismissed.

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service upon the tenant. This order must be served on the tenant. 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.

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*.

DATE: February 8, 2011

Residential Tenancy Branch