

Decision

Dispute Codes: CNR, OPR, RP, FF

Introduction

This hearing was scheduled in response to the tenant's application for cancellation of a notice to end tenancy for unpaid rent or utilities / an order instructing the landlord to make repairs to the unit, site or property / and recovery of the filing fee.

Agents representing the landlord / respondent were present at the scheduled start time of the hearing which was 11:00 a.m., however, as at 11:10 a.m. the tenant / applicant had still not appeared. During the hearing the landlord's agent 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 month-to-month tenancy began on July 1, 2009. Monthly rent was \$740.00 until February 1, 2011 when it increased to \$755.00. A security deposit of \$370.00 was collected near the start of tenancy.

Arising from overdue rent for January 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent dated February 17, 2011. The notice was served in person on the tenant on that same date. A copy of the notice was submitted into evidence. While the tenant paid rent for February of \$755.00, January's rent of \$740.00 remains unpaid.

Analysis

As the tenant / applicant failed to attend the hearing scheduled in response to her application, her application is hereby dismissed.

Arising from the landlord's oral request during the hearing, pursuant to section 55 of the Act (**Order of possession for the landlord**) I hereby issues an order of possession in favour of the landlord.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective **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: March 11, 2011

Residential Tenancy Branch