



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was scheduled for 9:00 a.m. on this date to deal with the tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent. The landlord appeared at the hearing; however, the tenant did not appear despite leaving the telephone conference call open until 9:10 am. Since the landlord appeared and was prepared to proceed, in the absence of the tenant, I dismissed the application without leave to reapply.

The landlord verbally requested an Order of Possession during the hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

I heard that the landlord personally served the tenant with the 10 Day Notice to End Tenancy for Unpaid Rent on August 16, 2011 in the presence of a witness. The Notice indicates the tenant failed to pay \$330.00 in rent as of August 1, 2011 and has an effective vacancy date of August 26, 2011. The tenant disputed the Notice within the time limit required by the Act, indicating that he wished to pay the outstanding rent by way of a payment plan. The landlord testified that the tenant has not made any payments towards the outstanding rent for August 2011 and has not paid any monies for September 2011 rent. The tenant continues to reside in the rental unit.

I was provided the 10 Day Notice by the tenant as documentary evidence for this proceeding.

Analysis

Section 55(1) of the Act provides that where a tenant's application to cancel a Notice to End Tenancy is dismissed, upon an oral request for an Order of Possession during the scheduled hearing, the landlord shall be granted an Order of Possession.

Having dismissed the tenant's application to cancel the Notice to End Tenancy, I grant the landlord's verbal request for an Order of Possession pursuant to section 55(1) of the Act. Since the effective vacancy date has passed, I provide the landlord with an Order of Possession effective two (2) days after service upon the tenant. The Order of Possession may be enforced in The Supreme Court of British Columbia as an Order of that court.

Conclusion

The tenant's application was dismissed and the landlord was provided an Order of Possession pursuant to section 55(1) of the Act.

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: September 22, 2011.

Residential Tenancy Branch