



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MT; CNR; ERP; FF

Introduction and Analysis

This Hearing was scheduled to hear the Tenant's application for more time to file an application to cancel a Notice to End Tenancy for Unpaid Rent; to cancel the Notice; for an Order that the Landlord make emergency repairs to the rental unit; and to recover the cost of the filing fee from the Landlord.

This application was scheduled to be heard via teleconference on August 14, 2013, at 11:00 a.m. The Landlord signed into the conference and was ready to proceed, however by 11:10 a.m., the Tenant had not yet signed into the teleconference.

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

Commencement of Hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I find that that the Tenant has abandoned his application, and therefore I dismiss the Tenant's application without leave to re-apply.

The Landlord asked for an Order of Possession

Issue to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord testified that the tenancy started in December of 2010. Monthly rent is \$700.00, due on the first day of each month.

The Landlord testified that the Tenant did not pay full rent for the months of June and July, 2013. She issued the Notice to End Tenancy on July 5, 2013, and served the Tenant with the Notice on the same day.

The Tenant has not paid the outstanding rent and is still living in the rental unit.

Analysis

The Notice to End Tenancy indicates that it was issued "06/05/2013" and is for an effective date of July 15, 2013. I amended the Notice to correct the date of issuance to July 5, 2013, in accordance with the provisions of Section 68(1) of the Act.

Section 55(1) of the Act states:

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 accept that the Landlord served the Tenant with the Notice to End Tenancy on July 5, 2013, and find that the tenancy ended on July 15, 2013. Therefore, pursuant to the provisions of Section 55(1) of the Act, I hereby provide the Landlord with an Order of Possession effective two days after service of the Order upon the Tenant.

Conclusion

The Tenant's application is dismissed **without leave to re-apply**.

I hereby provide the landlord with an Order of Possession **effective two days after service of the Order upon the Tenant**. This 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*.

Dated: August 14, 2013

Residential Tenancy Branch