



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Management Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC CNR OLC FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act"), seeking to cancel a 10 day Notice to End Tenancy for unpaid rent or utilities, to cancel a 1 Month Notice to End Tenancy for Cause, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and to recover the filing fee.

Two agents for the respondent landlord (the "agents") appeared at the hearing. The hearing was by telephone conference call and was to begin at 9:30 a.m. on this date. The line remained open while the phone system was monitored for seventeen minutes and the only participants who called into the hearing during this time were two agents for the landlord.

Agent MH testified under oath that a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice") dated August 1, 2013 was served by posting to the tenant's door on August 1, 2013. The amount owing listed on the 10 Day Notice was \$145.00 due July 1, 2013. The tenant disputed the notice on August 7, 2013, however, failed to attend the hearing to present her application for dispute resolution. As the applicant tenant did not attend the hearing by 9:40 a.m., the ten minute waiting period, I **dismiss** the tenant's application in full, without leave to reapply. Following my dismissal of the tenant's application, an agent for the landlord MH, verbally requested an order of possession. Section 55 of the Act states:

Order of possession for the landlord

- 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.

[emphasis added]

Pursuant to section 55 of the *Act*, **I grant** the landlord an order of possession effective **two (2) days** after service upon the tenant. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

Conclusion

The tenant's application is dismissed in full, without leave to reapply.

The landlord is granted an order of possession effective two (2) days after service upon the tenant. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, except as otherwise provided under the *Act*, and 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 12, 2013

Residential Tenancy Branch

