



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT DRI CNR OPR MNR FF

Introduction

This hearing dealt with applications by the tenant and the landlord. The tenant applied to cancel a notice to end tenancy, as well as to dispute a rent increase. The landlord applied for an order of possession and a monetary order for unpaid rent.

This matter was set for hearing by telephone conference call at 11:00 a.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenant did not attend the hearing by 11:10 p.m., and the landlord appeared and was ready to proceed, I dismissed the tenant's claim without leave to reapply.

The landlord orally requested an order of possession in the hearing. When a tenant's application to cancel a notice to end tenancy is dismissed and the landlord orally requests an order of possession in the hearing, I must grant the order of possession. Accordingly, I grant the landlord an order of possession.

In regard to the remainder of the landlord's application, the landlord served her application on the tenant by posting it to the rental unit door. Any application for monetary compensation cannot be served by posting. I therefore dismiss the monetary portion of the landlord's application with leave to reapply.

Because the landlord's application for an order of possession was successful, I find she is entitled to recovery of the filing fee for the cost of her application.

Conclusion

The tenant's application is dismissed.

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. 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.

I grant the landlord an order under section 67 for the balance due of \$50. This order may be filed in the Small Claims Court and enforced as an order of that Court.

The remainder of the landlord's application is dismissed with leave to reapply.

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: October 24, 2013

Residential Tenancy Branch

