



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Amacon Property Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes:

MT, CNR

### Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenant has applied to cancel a 10 day Notice to end tenancy for unpaid rent and more time to cancel the Notice.

The landlord was present at the scheduled start time of the hearing; 10:30 a.m. By 10:40 a.m. the tenant had yet to attend the hearing.

### Background and Evidence

The landlord provided affirmed testimony that the tenant was given a 10 day Notice ending tenancy that was issued on December 2, 2013. The tenant's application indicated she received the Notice on December 2, 2013.

The landlord said rent was not paid within 5 days of service of the 10 day Notice ending tenancy. The tenant applied to dispute the Notice on December 11, 2013. The tenant paid her rent on December 20, 2013 and was issued a receipt for use and occupancy only. The tenant has not paid January 2014 rent.

The landlord requested an Order of possession.

### Analysis

As the tenant failed to attend the hearing in support of her application, I find that the application is dismissed. There was no evidence before me that the tenant paid the rent owed within 5 days of December 2, 2013.

Section 55(1) of the Act provides:

**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*

Therefore, as the tenant's application is dismissed and the landlord has requested an Order of possession, I find, pursuant to section 55(1) of the Act, that the landlord is entitled to an Order of possession that is effective 2 days after service to the tenant.

### Conclusion

The application is dismissed.

The landlord is entitled to an Order of possession.

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: January 02, 2014

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Residential Tenancy Branch

