



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Codes: CNR, RR.

### Introduction:

This was an application by the tenant to cancel a Notice to End the Tenancy for non-payment of Rent dated June 29, 2014, as well as an Order to reduce the rent.

Issues: Is the tenant entitled to any relief?

### Background and Evidence:

A hearing was conducted in the presence of the landlord only. Based on the evidence of the landlord I find that the Notice to End a Residential Tenancy was served in person on the Tenant on July 29, 2014. The Notice to End a Residential Tenancy is based on non-payment of rent. The Residential Tenancy Act permits a tenant to apply to have the Notice set aside where the tenant disputes rent is owed or where the amount of rent that is unpaid is an amount the tenant is permitted under this Act to deduct from the rent. The tenant applies to cancel the Notice but failed to attend the hearing and the landlord attended and requested an Order for Possession.

### Analysis:

The tenant applied to cancel the Notice but failed to attend the hearing. I have therefore dismissed the tenant's applications. Section 55(1)(a) provides that the arbitrator must grant an order of possession of the rental unit if, the landlord makes an oral request for an order of possession at a hearing where an arbitrator has dismissed the tenant's application pursuant to section 47 and has upheld the Notice. The landlord has made this request at the hearing. As a result I granted the landlord an Order for Possession.

Conclusion:

I have granted the landlord an Order for Possession. The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement. I have dismissed all of the tenants' applications without leave.

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 06, 2014

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Residential Tenancy Branch

