



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** CNR OPR

### **Introduction:**

This was an application by the tenant to cancel a Notice to End the Tenancy for non-payment of rent dated June 27, 2014. The tenant did not attend the hearing.

### **SERVICE:**

I find that the Notice to End a Residential Tenancy was served by posting it on the door on June 27, 2014. The landlord admitted service of the application for dispute resolution.

**Issues:** Is the tenant entitled to any relief?

### **Background and Evidence:**

The tenant did not attend to support his application. The landlord attended the hearing and was given opportunity to be heard, to provide evidence and to make submissions. The original tenancy began on December 1, 2013. The current rent is \$2100.00. The tenant paid a security deposit of \$1050. The landlord's agent testified that the tenant failed to pay the rent for June 2014 and was served with a Notice to End the Tenancy on June 27, 2014 and that the rent is still outstanding. He said that he understood from the caretaker in the building that the tenant moved out sometime in July but he does not know his new address. He requested an Order of Possession and enquired about the procedure to collect outstanding amounts. I advised him to file an Application with the Residential Tenancy Branch and serve it on the tenant either personally or by registered mail.

### **Analysis:**

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 that 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. Although the tenant disputed the Notice in time, none of his written complaints constitute valid reasons to withhold his rent and he did not attend the hearing to support his application. I have therefore dismissed his application to cancel the Notice to End the Tenancy. 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 46 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:**

As the tenant may have vacated already, I granted the landlord an Order for Possession effective one day from service; this may be served by posting it on the door of the unit. 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 dismiss the tenant's application without recovery of the filing fee.

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: September 03, 2014

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Residential Tenancy Branch

