



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, RP, RR, FF

### Introduction

This hearing was scheduled to be heard at 9:30 a.m. on this date concerning the tenant's application for an order cancelling a notice to end tenancy for unpaid rent or utilities; for an order that the landlord make repairs to the unit, site or property; for an order allowing the tenant to reduce rent for repairs, services or facilities agreed upon but not provided; and to recover the filing fee from the landlord for the cost of the application.

The landlord attended the hearing and was prepared to respond to the tenant's application, however, the tenant did not attend. The line remained open while the phone system was monitored for 15 minutes and the only participant who joined the call was the landlord. Therefore, I hereby dismiss the tenant's application without leave to reapply.

During the course of the hearing, the landlord asked for an order of possession.

The tenant has provided a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, and it is dated August 5, 2014 and contains an effective date of vacancy of August 15, 2014 for unpaid rent in the amount of \$1,300.00 that was due August 1, 2014. The landlord advised that the tenant was personally served with the notice on August 5, 2014.

The *Residential Tenancy Act* states:

**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.

Having dismissed the tenant's application for an order cancelling the notice to end the tenancy issued by the landlord, and upon hearing the landlord's oral request for an order of possession, I must grant it. Since the effective date of the notice has passed, I order that the order of possession be granted on 2 days notice to the tenant.

### Conclusion

For the reasons set out above, the tenant's application is hereby dismissed without leave to reapply.

I hereby grant an order of possession in favour of the landlord on 2 days notice to the tenant.

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 15, 2014

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Residential Tenancy Branch

