



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNSD, FF

Introduction

The applicant failed to appear at the scheduled time for the hearing. The respondents were present and ready to proceed. The telephone line conference line remained open and the phone system was monitored for ten minutes. The applicant failed to appear.

I find that the 10 day Notice to End Tenancy was sufficiently served on the tenant by posting to the rental unit on November 14, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord by mailing, by registered mail to where the landlord resides. The landlord received it in early December 2014. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated November 14, 2014?
- b. Whether the tenant is entitled to an order for the return of the security deposit?
- c. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy was to commence on November 1, 2014. The rent was \$1950 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$975 prior to the start of the tenancy.

The tenant did not move into the rental unit. The documents presented to the Residential Tenancy Branch indicate the tenant took the position the rental unit was not satisfactorily cleaned and was a health hazard to her and her children.

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Application to cancel the 10 day Notice to End Tenancy:

The tenant failed to take possession of the rental unit. There is outstanding rent. The tenant failed to appear at the hearing. As a result I dismissed the tenant's application to cancel the 10 day Notice to End Tenancy without liberty to re-apply. I order that the tenancy shall end on the date set out in the Notice.

Order for Possession

The Residential Tenancy Act provides that where a landlord has made an oral request for an Order for Possession at a hearing where a dispute resolution officer has dismissed a tenant's application to set aside a Notice to End Tenancy, the dispute resolution officer must grant an Order for Possession. The landlord made this request at the hearing. As a result I 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.

Application for the Return of the Security Deposit:

The tenant applicant failed to appear at the hearing. Both respondents were present and ready to proceed. In the absence of any evidence or submissions from the applicant I order the application for an order for the return of the security deposit be dismissed without liberty to reapply. I further order that the application of the tenant for the cost of the filing fee be dismissed without leave to re-apply.

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: December 23, 2014

Residential Tenancy Branch

