



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, ERP, FF

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenant to cancel a notice to end tenancy for unpaid rent and utilities, for the Landlord to make emergency repairs for health and safety reasons, and to recover the filing fee for the cost of the Application.

The Landlord appeared for the hearing and provided affirmed testimony during the hearing. The Tenant failed to appear for the ten minute duration of the hearing. The only written evidence provided by the parties prior to the hearing was the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”) which was provided by the Tenant.

As the Tenant failed to appear for the hearing and the Landlord’s agent appeared and was ready to proceed, the Tenant has failed to present the merits of the Application which is hereby **dismissed without leave to re-apply**.

The Landlord made an oral request for an Order of Possession during the hearing based on the following evidence.

The Landlord’s agent served the Tenant the Notice on November 14, 2014 by attaching it to the Tenant’s door. The Notice was served due to \$1,050.00 in unpaid rent which was due on November 1, 2014 with a vacancy date of November 24, 2014.

Section 26(1) of the Act requires a Tenant to pay rent when it is due under the tenancy agreement **whether or not the Landlord complies with the Act**.

Section 55(1) of the Act states that if a Tenant makes an Application to dispute a Notice and the Application is dismissed, the Arbitrator must grant an Order of Possession if the Landlord makes an oral request during the hearing.

As the Landlord made an oral request, I grant the Landlord an Order of Possession pursuant to Section 55(1) of the Act. As the effective date of vacancy on the Notice has passed, the order is effective two days after service on the Tenant.

### Conclusion

For the reasons set out above, I dismiss the Tenant's Application in its entirety without leave to re-apply.

The Landlord is granted an Order of Possession which is effective **two days after service on the Tenant**. This order must be served onto the Tenant and if the Tenant fails to vacate the rental suite in accordance with the order, the order may be enforced in the Supreme Court as an order of that court.

The Landlord also requested a Monetary Order for unpaid rent and utilities but was informed that he was at liberty to make an Application for a monetary claim under the Act and to put the Tenant on notice for such a claim.

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 16, 2014

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Residential Tenancy Branch

