



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, ERP, MNR, PSF, RP

Introduction

The applicants failed to contact the telephone bridge number at the scheduled start of the hearing. The respondent was present and ready to proceed. The telephone line conference line remained open and the phone system was monitored for ten minutes. The applicants failed to appear. I then proceeded with the hearing.

I find that the 10 day Notice to End Tenancy was sufficiently served on the Tenants.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the Notice to End Tenancy dated December 18, 2014?
- b. Whether the tenants are entitled to an order cancelling a one month Notice to End Tenancy?
- c. Whether the tenants are entitled to an order for the cost of emergency repairs?
- d. Whether the tenants are entitled to an order to make repairs?
- e. Whether the tenants are entitled to an order to provide services or facilities required by law?

Background and Evidence

The tenancy began on February 1, 2014. The tenancy agreement provided that the tenant(s) would pay rent of \$1250 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$625 at the start of the tenancy.

The landlord testified the tenant has failed to pay the rent for the months of November 2014 (\$350 is owed), December 2014 (\$1250 is owed) and January 2015 (\$1250 is owed) and the sum of \$2850 remains outstanding.

The tenant filed materials which suggested that the tenant was withholding rent because of a leak.

Analysis

The tenants failed to attend the hearing. The landlord was present and ready to proceed. As a result I ordered that the tenants' application be dismissed without liberty to re-apply.

Order for Possession

The application of the tenant to cancel the 10 day Notice to End Tenancy has been dismissed without liberty to re-apply. The Residential Tenancy Act provides that where a landlord has made an oral request for an Order for Possession at a hearing where an arbitrator has dismissed a tenant's application to set aside a Notice to End Tenancy, the arbitrator 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 effective on 2 days notice.**

The tenants 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.

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: January 26, 2015

Residential Tenancy Branch

