



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            CNR, MNDC

### Introduction

The applicant was not present at the scheduled time for 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 applicant failed to appear. I then proceeded with the hearing.

I find that the 10 day Notice to End Tenancy was sufficiently served on the Tenant by posting on December 6, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord.

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated December 6, 2014?
- b. Whether the tenant is entitled to a monetary order and if so how much?

### Background and Evidence

The parties entered into a one year fixed term tenancy agreement that provided that tenancy would begin on November 1, 2014 and end on October 31, 2015. The tenancy agreement provided that the tenant(s) would pay rent of \$925 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$465 on October 12, 2014.

The landlord testified the tenant has failed to pay the rent for the months of December 2014 and January 2015 and the sum of \$1850 remains outstanding. The tenant continues to live in the rental unit.

Tenant's Application to cancel the 10 day Notice to End Tenancy:

After carefully considering all of the evidence I determined that the landlord has established sufficient cause to end the tenancy. The tenant failed to attend the hearing. As a result I dismissed the tenant's application to cancel the Notice to End Tenancy. 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 on 2 days notice.**

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

Tenant's application for a monetary order:

The Application for Dispute Resolution filed by the Tenant seeks a monetary order in the sum of \$4000. The tenant failed to attend the hearing. The landlord was present and ready to proceed. As a result I order the application of the tenant be dismissed without liberty 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: January 13, 2015

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Residential Tenancy Branch

