



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, CNC, FF

Introduction

A hearing was conducted by conference call in the presence of the landlord and in the absence of the tenant although duly served. The tenant failed to appear at the scheduled start time for the hearing. The telephone conference call was monitored for 10 minutes. The tenant still had not appeared. I proceeded with the hearing at that time. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy was personally served on the Tenant on November 19, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was personally served on the tenant on December 7, 2014.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated November 19, 2014?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on April 1, 2014. The present rent is \$550 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$275 at the start of the tenancy.

The tenant paid \$325 of the rent for January 2015 leaving a balance owing of \$225.
The tenant continues to live in the rental unit.

Tenant's Application to Cancel the one month Notice to End Tenancy:

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

Landlord's Application: - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The Tenant's application to cancel the one month Notice to End Tenancy has been dismissed. The tenant has failed to pay all of the rent due for January. Accordingly, I granted the landlord an Order for Possession. The tenant has paid \$325 of the \$550 rent for January. I determined the tenant has paid rent for the equivalent of 18 days in January.

As a result I set the effective date of the Order for Possession for January 19, 2015. I further order the tenant pay to the landlord the sum of \$50 such sum may be recovered from the security deposit.

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.

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 07, 2015

Residential Tenancy Branch

