



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This was an application by a tenant to cancel a Notice to End the Tenancy for Unpaid Rent dated April 14, 2014. Only the landlord's agent EH attended the conference call hearing.

Issues:

Is the tenant entitled to cancel the Notice?

Background and Evidence:

The landlord's agent EH testified that she served the aforementioned Notice by posting it on the tenant's door on April 14, 2015. EH testified that the month to month tenancy began on April 1, 2014 with rent amounting to \$ 570.00 per month. EH testified that the arrears to date amounted to \$ 1,725.00. EH testified that the tenant was over housed in that she resided currently in a two bedroom suite notwithstanding that her roommate moved out several months ago. EH testified that monthly payments from Social Services do not pay the entire rent and the tenant was made aware of this and that she would have to relocate. EH testified that the landlord wishes to find the tenant alternate appropriate housing but to date the tenant has not cooperated. The landlord requested an Order for Possession.

Analysis:

A hearing was scheduled with respect to this matter by teleconference. The applicant failed to participate in the hearing at the appointed time notwithstanding the elapse of **twelve** minutes. Rule 10.1 of the Rules of Procedure provides:

Commencement of the dispute resolution proceeding

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or

dismiss the application, with or without leave to re-apply.

I have dismissed the tenant's application. I have upheld the Notice to End the Tenancy. Section 55(1)(a) provides that the arbitrator must grant an order of possession of the rental unit if the landlord makes an oral request for an order of possession at a hearing where an arbitrator has dismissed the tenant's application pursuant to section 46(4)(b) and has upheld the Notice. The landlord has made this request at the hearing. As a result I granted the landlord an Order for Possession

Conclusion:

The tenant's application is dismissed. I have granted the landlord an Order for Possession. The landlord must serve the tenant with this decision and Order. The Order may be enforced in the Supreme Court of BC.

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: May 19, 2015

Residential Tenancy Branch

