



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, MT

### Introduction

This was a hearing with respect to the tenants' application to cancel a Notice to End Tenancy for unpaid rent. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenants did not attend, although this was a hearing with respect to their application. The tenants did not submit any documentary evidence in support of their application. The landlord submitted a copy of the Notice to End Tenancy for unpaid rent by fax after the hearing was concluded.

### Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled?

### Background and Evidence

The rental unit is located in Chilliwack. The tenancy began in April, 2015. The rent is \$750.00 per month. The tenants were to pay a security deposit and a pet deposit when the tenancy began but they failed to do so.

The tenants did not pay rent for May or June and the landlord served them with a 10 day Notice to End Tenancy for unpaid rent. They paid \$750.00 on June 20<sup>th</sup>. The payment was applied to May rent. The landlord served a second Notice to End Tenancy for unpaid rent on July 6, 2015. The tenants applied to dispute the Notice to End Tenancy, but they have not paid the outstanding rent and they did not attend the hearing of this application.

### Analysis

The tenant failed to attend the hearing of his application although the hearing remained open for more than 15 minutes after it was scheduled to begin at 10:30 A.M. In the absence of an appearance by either applicant, I dismiss his application for dispute resolution without leave to reapply.

Section 55 of the *Residential Tenancy Act* provides as follows:

- 55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,
- (a) the landlord makes an oral request for an order of possession, and
  - (b) the director dismisses the tenant's application or upholds the landlord's notice.

### Conclusion

I have dismissed the tenants' application to dispute the landlord's Notice to End Tenancy. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective two days after service upon the tenants. This order may be registered in the Supreme Court and enforced as an order of that court.

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: September 16, 2015

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Residential Tenancy Branch

