



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Codes: CNR, MNR, MNSD, MNDC, OLC, ERP, RP, PSF, RPP, RR, OPR FF

### Introduction:

This was an application by the tenant to cancel a Notice to End the Tenancy for non-payment of rent dated July 1, 2015, as well as a request for a monetary Order for compensation, recovery of the cost of emergency repairs, an Order that the landlord make emergency repairs, provide services, return the tenant's property, and allow the tenant to reduce the rent.

The landlords applied for an Order for Possession and monetary order for unpaid rent pursuant to the aforementioned Notice to End the Tenancy. Only the landlords attended the hearing which lasted forty minutes.

### Issues:

Are the tenants entitled to any relief?

Are the landlords entitled to an Order for Possession?

### Background and Evidence:

The landlord ZA testified that he served a Notice to End the Tenancy dated July 1, 2015 by posting it to the tenant's door on the same day. I find that the Notice to End a Residential Tenancy was deemed to have been served on July 4, 2015.

ZA admitted that he had not given the tenant a copy of the landlord's dispute resolution package. I find that the Application for Arbitration/Notice of Hearing was not personally served on the tenant.

The tenant disputed the landlord's Notice but failed to attend the hearing. The landlord requested an Order for Possession.

### Analysis:

As the landlord had not served the hearing package I have dismissed the landlord's application with leave to reapply.

The landlord and tenant did not produce a copy of the Notice to End the Tenancy as evidence however ZA and SA testified as to its details. I accept their evidence.

I have dismissed the tenant's applications including one to dispute the Notice. The Notice is upheld.

Section 55 of the Act states:

**Order of possession for the landlord**

**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.

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 and has upheld the Notice. The landlord has made this request at the hearing. As a result I granted the landlords an Order for Possession.

Conclusion:

I have dismissed all of the tenant's applications herein. I have dismissed the landlords' application for a monetary Order with leave to reapply. I have granted the landlords an Order for Possession. The tenant must be served with this Order and decision as soon as possible. Should the tenant fail to comply with this Order, the landlords may register the Order with the Supreme Court of British Columbia for enforcement. The landlords are cautioned to deal with the security deposit in accordance with section 38 of the Act. There will not be any recovery of the filing fee to either party.

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 21, 2015

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Residential Tenancy Branch

