



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding J & W Enterprises Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, FF

### Introduction

This was a hearing with respect to the tenant's application to cancel a 10 day Notice to End Tenancy for unpaid rent. The hearing was conducted by conference call. The landlord's agents called in and participated in the hearing. The tenant did not attend, although this was the hearing of his application. In the tenant's application for dispute resolution he failed to properly identify the respondent landlord and the landlord's agent. I have amended the style of cause to identify the proper parties to this dispute resolution proceeding.

### Issue(s) to be Decided

Should the Notice to End Tenancy for unpaid rent dated September 3, 2015 be cancelled?

### Background and Evidence

The rental unit is an apartment in New Westminster. The tenancy began on August 15, 2015. All of the tenant's rent payments have been due to insufficient funds. On September 3, 2015 the landlord served the tenant with a 10 day Notice to End Tenancy for unpaid rent by posting it to the door of the rental unit. The tenant applied to dispute the Notice to End Tenancy on September 14, 2015.

The landlord's representative testified at the hearing that all of the tenant's cheques in payment of rent have been returned due to insufficient funds. The tenant has occupied the rental unit since August 15, 2015, but he has paid no rent and has not paid a security deposit. The landlord requested that the tenant's application be dismissed and that the landlord be granted an immediate order for possession.

### Analysis

The hearing of this application was scheduled to commence at 1:00 P.M. on October 23, 2015. The tenant had not appeared at the hearing of his application by 1:10 P.M. In the absence of an appearance by the 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.

I have dismissed the tenant's 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 tenant. This order may be registered in the Supreme Court and enforced as an order of that court.

### Conclusion

The tenant's application has been dismissed. The landlord has been granted an order for possession.

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: October 23, 2015

---

Residential Tenancy Branch

