



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Gunns Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

This was a hearing with respect to the tenants' application to cancel a 10 day Notice to End Tenancy for unpaid rent. The hearing was conducted by conference call. The landlord's representatives called in and participated in the hearing. The tenants did not attend, although this was the hearing of the tenants' application. The hearing was kept open for 15 minutes after the scheduled start time, but the tenants did not attend within that period.

Issue(s) to be Decided

Should the Notice to End Tenancy dated October 9, 2015 be cancelled?

Background and Evidence

The rental unit is a basement suite in Vancouver. The tenancy began on August 27, 2015. Monthly rent of \$1,200.00 is payable on the first of each month. The tenants paid a security deposit of \$600.00 at the start of the tenancy.

On October 9m, 2015, the landlord's representative served the tenants with a 10 day Notice to End Tenancy for unpaid rent by posting the Notice to the door of the rental unit. The NTE stated that the tenants failed to pay rent in the amount \$950.00 that was due on October 1, 2015.

The tenants applied to dispute the Notice to End Tenancy on October 16, 2015. The landlord's representative testified at the hearing that the tenants paid the sum of \$1,250.00 to the landlord on October 22, 2015.

The landlord advised the tenants that all payments of rent made since the Notice to End Tenancy was given would be accepted: "for use and occupancy only" and not so as to reinstate the tenancy.

The landlord's representative said that he has tried to communicate with the tenants, but they have not responded. The tenant's cell phone is no longer in service and the

tenants have not spoken to the landlord's representative or answered the door when he has called. The sum of \$1,650.00 is currently owed for rent including rent for December.

Analysis

This application was scheduled to be heard by conference call at 10:30 A.M. on December 15, 2015. The tenants had not appeared at the hearing of his application by 10:45 A.M. In the absence of an appearance by the applicants, I dismiss their 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: December 15, 2015

Residential Tenancy Branch

