



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNR OPR RP ERP RR PSF

### **Introduction**

This hearing was convened to deal with an application by the tenant pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) To cancel a notice to end tenancy for unpaid rent pursuant to section 46;
- b) To do emergency and necessary repairs pursuant to sections 32 and 33;
- c) To allow the tenant to reduce rent for repairs not done and for facilities not provided;
- d) For a monetary order as reimbursement for repairs;
- e) To recover the filing fee for this application.

The tenant/applicant did not attend the hearing but the landlord attended. After waiting 10 minutes for the tenant/applicant, the hearing commenced in her absence with the landlord's testimony. He testified he served the Notice to End Tenancy dated October 13, 2015 to be effective October 23, 2015 by posting it on her door. He said the tenant served him with her Application dated October 19, 2015 personally at his office. I find the documents were legally served pursuant to sections 88 and 89 of the Act for the purposes of this hearing.

### **Issue(s) to be Decided:**

Has the landlord proved on the balance of probabilities that there is unpaid rent and the tenancy should be ended? Or is the tenant entitled to relief? Is the landlord entitled to an Order of Possession if the tenant is unsuccessful in the application?

### **Background and Evidence**

The tenant/applicant did not attend the hearing. The landlord attended the hearing and was given opportunity to be heard, to provide evidence and to make submissions. The undisputed evidence is that the tenancy commenced July 1, 2015, rent is \$1400 a month and a security deposit of \$700 was paid. The landlord served a 10 Day Notice to End Tenancy as the tenant paid no rent in October and still owed \$900 for September 2015. He said the tenant has paid no rent since her father paid an installment of \$500

in September. He requests an Order of Possession effective as soon as possible if the tenant is unsuccessful in this Application.

The tenant provided no documents and did not attend to support her claim.

**Analysis:**

Section 26 of the Act states a tenant must pay rent on time whether or not the landlord fulfills their obligations under the Act. I find the tenant had outstanding rent of \$2300 as of October 13, 2015 (\$900 for September and \$1400 for October) and she has not paid any of it or any subsequent rent. I dismiss this application of the tenant to set aside the Notice to End Tenancy dated October 13, 2015. I find the tenancy is at an end.

Pursuant to the landlord's request in the hearing and my authority under section 55, I find the landlord entitled to an Order of Possession effective two days from service as requested.

In respect to the other claims of the tenant, I find no documentary evidence to support her claims and she did not attend the hearing to provide evidence on them. I dismiss this portion of her Application.

**Conclusion:**

I dismiss the Application of the tenant in its entirety without leave to reapply. I find the landlord entitled to an Order of Possession effective two days from service. This order must be served on the tenant and may be enforced through the Supreme Court of British Columbia.

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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 17, 2015

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Residential Tenancy Branch

