



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, PSF, FF

Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning an application made by the tenant for an order cancelling a notice to end the tenancy for unpaid rent or utilities; for an order that the landlord provide services or facilities required by law; and to recover the filing fee from the landlord for the cost of the application.

The landlord attended the hearing, however the line remained open while the phone system was monitored for 10 minutes and no one for the tenant attended. Therefore, I dismiss the tenant's application without leave to reapply.

During the course of the hearing the landlord orally requested an Order of Possession.

Issue(s) to be Decided

Is the landlord entitled under the *Residential Tenancy Act* to an Order of Possession for unpaid rent?

Background and Evidence

The tenant resides in the rental unit with another person, who moved out and then moved back in again. The landlord served that tenant personally with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities on November 13, 2015. A copy has been provided and it is dated November 13, 2015 and contains an effective date of vacancy of November 23, 2015 for unpaid rent in the amount of \$825.00 that was due on November 1, 2015. The tenants promised to pay the rent, so the landlord did not act on the notice.

The tenants again failed to pay rent and the landlord served another 10 Day Notice to End Tenancy for Unpaid Rent or Utilities on December 12, 2015 by posting it to the door

of the rental unit. A copy has been provided and it is dated December 12, 2015 and contains an expected date of vacancy of December 23, 2015 for unpaid rent in the amount of \$1,650.00 that was due on December 1, 2015. No rent has been paid since.

Analysis

The *Residential Tenancy Act* states that where a tenant's application disputing a notice to end a tenancy given by a landlord is dismissed, and if at the hearing the landlord orally requests an Order of Possession, I must grant the order. I have reviewed the notices to end the tenancy given by the landlord, and I find that they are in the approved form and contain information required by the *Act*. Having dismissed the tenant's application, I hereby grant an Order of Possession in favour of the landlord on 2 days notice to the tenant(s).

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety without leave to reapply.

I hereby grant an Order of Possession in favour of the landlord on 2 days notice to the tenant(s).

This order is final and binding and may be enforced.

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: January 12, 2016

Residential Tenancy Branch

