



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

CNR, O

### Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Unpaid Rent and for "other".

A copy of the Notice to End Tenancy that is the subject of this dispute was submitted to the Residential Tenancy Branch with the Application for Dispute Resolution.

### Issue(s) to be Decided

Should the Notice to End Tenancy for Unpaid Rent, served pursuant to section 46 of the *Residential Tenancy Act (Act)*, be set aside?

### Background and Evidence

The Agent for the Landlord stated that:

- the tenancy began on February 01, 2014;
- the Tenant agreed to pay rent of \$1,025.00 by the first day of each month;
- the Landlord did not receive rent from the Tenant for November of 2015;
- a previous agent for the Landlord has been fired because the Landlord believes that this individual accepted rent money from occupants without forwarding the money to the Landlord;
- the Landlord does not believe the Tenant paid rent money for November to the fired agent for the Landlord, in part, because all of the victims of the thefts were able to provide receipts for the rent payments made;
- the Tenant was unable to provide a rent receipt for the payment allegedly made for November of 2015;
- the Landlord does not believe the Tenant paid rent money for November to the fired agent for the Landlord, in part, because the Tenant is not willing to cooperate with the police investigation of the theft and all of the other victims have cooperated with the investigation;

- on November 16, 2015 he personally served the Tenant with a Ten Day Notice to End Tenancy for Unpaid Rent, which had an effective date of November 26, 2015; and
- the Landlord would like an Order of Possession for the rental unit.

This hearing was scheduled to commence at 9:00 a.m. on January 20, 2016. By the time the teleconference was terminated at 9:11 a.m., the Tenant had not attended in support of his Application for Dispute Resolution.

### Analysis

I find that the Tenant failed to diligently pursue the Application for Dispute Resolution and I therefore dismiss the application without leave to reapply. I specifically note that the Tenant did not attend the hearing and did not sufficiently establish that rent was paid for November of 2015.

### Conclusion

As the Tenant's Application for Dispute Resolution has been dismissed and the Landlord requested an Order of Possession at the hearing, I grant the Order of Possession pursuant to section 55(1) of the *Act*. The Order of Possession requires the Tenant to vacate the rental unit at 1:00 p.m. on January 31, 2016.

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 20, 2016

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Residential Tenancy Branch

