



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, RP, OLC, FF,

Introduction

This hearing was convened in response to the Tenants' Application for Dispute Resolution, in which the Tenants applied to set aside a Notice to End Tenancy for Unpaid Rent, for an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* or the tenancy agreement, for "other", and to recover the fee for filing this Application for Dispute Resolution.

Issue(s) to be Decided

Should the Notice to End Tenancy for Unpaid Rent be set aside?
Is there a need to issue an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* or the tenancy agreement?

Background and Evidence

The hearing was scheduled for 9:00 a.m. on this date and by the time the teleconference was terminated at 9:11 a.m. neither Tenant had appeared.

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*.

The Agent for the Landlord was the only person in attendance at the hearing. She stated that:

- this tenancy began on March 01, 2015;
- the Tenants agreed to pay rent of \$1,000.00 by the first day of each month;
- on December 20, 2015 a Ten Day Notice to End Tenancy for Unpaid Rent was posted on the door of the rental unit; and
- when the Notice to End Tenancy was posted the Tenants owed \$2,850.00 in rent.

A copy of the Notice to End Tenancy for Unpaid Rent was submitted to the Residential Tenancy Branch by the Tenants. The Notice appears to comply with section 52 of the *Act* and is, therefore, a valid Notice to End Tenancy.

Analysis

I find that the Tenants failed to diligently pursue the application and I therefore dismiss the application without leave to reapply. As the Tenants' Application for Dispute Resolution has been dismissed, I grant the Landlord an Order of Possession pursuant to section 55(1) of the *Act*.

Conclusion

I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenants. This Order may be served on the Tenants, filed with the Supreme Court of British Columbia, 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: February 11, 2016

Residential Tenancy Branch

