



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SWEDISH CANADIAN MANOR SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes cnr

Introduction

The tenant applies for an order to cancel a 10 Day Notice to End Tenancy.

The landlord was represented at the hearing. The tenant did not attend the hearing, despite having been provided the call-in particulars by the Residential Tenancy Office.

Issue(s) to be decided

1. What is the effect of the tenant not attending this hearing?
2. Is the landlord entitled to an Order of Possession?

Background and Evidence

This tenancy began in June, 2015. Monthly rent is currently \$419.00, due and payable on the first day of each month. The landlord's management of this unit underwent transition, and as a result of an accounting glitch, it was discovered that no rent had been paid for all of 2015. The tenant paid his rent in January and February, but when March rent was not paid, the landlord served the tenant a 10 day Notice to End Tenancy on March 4, 2016. The tenant filed his dispute of the Notice on March 7, 2016. No rent has been paid since, and the effective date of the end of the tenancy has now passed.

Analysis

Accepting the landlord's testimony, and in the absence of any testimony by the tenant, I find that the rental arrears set out in the 10 day Notice were not paid within the required 5 day period. The 10 day Notice to End Tenancy is therefore found effective to end this tenancy. The tenant's application to cancel the Notice is dismissed.

Section 55 (1) of the Residential Tenancy Act provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if the landlord's notice is proper as to form and content, and the tenant's application to cancel the Notice is dismissed. Those conditions are met, and accordingly, an Order of Possession is granted to the landlord, effective 48 hours following service of the Order

upon the tenant.

Conclusion

The tenant's application is dismissed. The landlord is granted an Order of Possession, effective 48 hours following service of the Order upon the tenants.

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: April 14, 2016

Residential Tenancy Branch