



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pattony Investment
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNR, O

Introduction

This was a hearing with respect to the tenant's application to cancel a 10 day Notice to End Tenancy for unpaid rent. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not attend, although this was the hearing of her application.

Issue(s) to be Decided

Should the Notice to End Tenancy dated March 9, 2016 be cancelled?

Background and Evidence

The rental unit is an apartment in Vancouver. The tenancy began on December 1, 2015. Monthly rent of \$980.00 is payable on the first of each month. The tenant paid a security deposit of \$490.00 at the start of the tenancy.

The tenant was served with a 10 day Notice to End Tenancy dated March 9, 2016. The Notice stated that the tenant failed to pay rent in the amount of \$2,050.00 that was due on March 1, 2016. The Notice to End Tenancy was in the approved form and it required the tenant to move out of the rental unit by March 22, 2016. The amount included arrears from past months. In her application for dispute resolution the tenant acknowledged that she received the Notice to End Tenancy on March 11, 2016. She applied to dispute the Notice to End Tenancy on March 17, 2016. In her application for dispute resolution the tenant acknowledged that the rent is outstanding, but she asked for more time to pay the rent. The tenant has not paid any rent since she filed the application and in addition to the amount stated in the Notice to End Tenancy, rent for April is now outstanding. The tenant continues to occupy the rental unit.

The conference call hearing of the tenant's application began at 9:00 A.M. The hearing was kept open until 9:10 A.M., but the tenant did not call in to participate in the hearing

Analysis

In the absence of an appearance by the tenant by 9:10 A.M. her application is dismissed without leave to reapply. Section 55 of the *Residential Tenancy Act* provides as follows:

- 55** (1) 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
- (a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and
 - (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

The landlord's notice complies with the requirements of section 52; the tenant's application has been dismissed without leave to reapply and I therefore grant the landlord an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that court.

Conclusion

The tenant's application has been dismissed. The landlord has been granted an order of possession.

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 29, 2016

Residential Tenancy Branch