



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for unpaid pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;

The landlord attended the hearing by conference call and provided undisputed affirmed testimony. The tenants did not attend or submit any documentary evidence. The landlord stated that the tenant was served with the notice of hearing package in person on February 16, 2016 in person at the rental premises with a witness. The landlord has submitted a 1 page written letter confirming service with a witness. I accept the undisputed affirmed testimony of the landlord and find that the tenants were properly served with the notice of hearing package on February 16, 2016 in person and is deemed served as per section 90 of the Act. The landlord did not submit any other documentary evidence.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for unpaid rent?

Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

While I have turned my mind to all the documentary evidence, and the testimony of the parties, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of the applicant's claim and my findings are set out below.

The landlord provided affirmed testimony that a 10 Day Notice to End Tenancy was served upon the tenant on January 15, 2016.

The landlord seeks an order of possession for unpaid rent and a monetary order for unpaid rent of \$3,400.00.

The landlord did not provide a copy of the 10 Day Notice or any other documentary evidence.

Analysis

During the hearing, the landlord became belligerent and very argumentative, when asked why he did not submit a copy of the 10 Day Notice. The landlord argued that no one told him that he had to submit a copy. The landlord was referred to the "Landlord's Application for Dispute Resolution", page 2 of 2 as well as the Notice of a Dispute Resolution Hearing Letter, under General Information. The Application for Dispute states,

Ending tenancy, and seeking an Order of Possession:

Notice to End Tenancy

When the dispute involves a Notice to End Tenancy, The Notice to End Tenancy must be given to the tenant before applying for Dispute Resolution **and** the Notice to End Tenancy must be submitted to the Residential Tenancy Branch...

The landlord provided testimony that he must have read it as the landlord had filled in the portion of the application providing the date the Notice to End Tenancy was served as January 15, 2016.

After 20 minutes past the start of the hearing time, the landlord continued to be very argumentative and exited the conference call. The conference call hearing was left open for an additional 5 minutes before the hearing was concluded.

As the hearing was incomplete due to the landlord's exit of the conference call, I dismiss the landlord's application with leave to reapply.

Conclusion

The landlord's application is dismissed with leave to reapply.

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 01, 2016

Residential Tenancy Branch