



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was set for a telephone conference call at 9:00 a.m., in response to an Application for Dispute Resolution (the “Application”) made the Tenant on May 17, 2016. The Tenant applied to cancel a notice to end tenancy for unpaid rent or utilities.

An agent for the Landlords named on the Application appeared for the hearing and provided affirmed testimony. However, there was no appearance by the Tenant despite the line being left open for ten minutes to allow the Tenant to appear. The Landlords’ agent testified that the Landlords had been served notice of this hearing by the Tenant.

Preliminary Findings

The Residential Tenancy Branch Rules of Procedure state that a hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the Application, with or without leave to re-apply.

As the applicant Tenant failed to appear for the hearing and present the merits of the Application, and an agent for the respondent Landlords appeared and was ready to proceed, I dismissed the Tenant’s Application **without** leave to reapply.

Section 55(1) of the *Residential Tenancy Act* (the “Act”) provides that if a tenant makes an Application to dispute a landlord's notice to end a tenancy, the director **must** grant an order of possession to the landlord if the notice to end tenancy complies with Section 52 of the Act.

The Landlords’ agent testified that the Tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent and Utilities (the “Notice”) on May 12, 2016. The Tenant provided a copy of the Notice into evidence prior to this hearing.

The Landlords’ agent testified that the Tenant is still occupying the rental unit and has also not paid any rent since the Tenant was served the Notice. The Notice shows a

vacancy date of May 22, 2016 due to \$1,400.00 in unpaid rent due on May 1, 2016. The rental arrears documented on the Notice were supported by the Tenant's rent ledger which the Landlords' agent referred to during this hearing.

I have examined the Notice provided by the Tenant and I find that the form and contents of the Notice comply with Section 52 of the Act. As the Tenant's Application has been dismissed, I must now grant the Landlords an Order of Possession pursuant to Section 55(1) of the Act.

In consideration of when the Order of Possession is to take effect, the vacancy date on the Notice has now passed and the evidence before me is that the Tenant is still occupying the rental unit. As the Tenant is also in rental arrears, the Landlords are entitled to an Order of Possession which is effective two days after service on the Tenant.

Copies of this order are attached to the Landlords' copy of this decision. This order may be filed and enforced in the BC Supreme Court as an order of that court if the Tenant fails to vacate the rental unit. This file is now closed.

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: June 20, 2016

Residential Tenancy Branch