



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC MNDC OLC ERP PSF RPP LRE LAT

Introduction

This hearing was convened as a result of two applications filed by the Tenant. The first was received at the Residential Tenancy Branch on April 29, 2016 (the “First Application”). The second application was received at the Residential Tenancy Branch on May 10, 2016 (the “Second Application”).

In the First Application, the Tenant is seeking the following relief pursuant to the *Residential Tenancy Act* (the “*Act*”): an order cancelling a 1 Month Notice to End Tenancy for Cause, dated April 26, 2016 (the “1 Month Notice”); a monetary order for money owed or compensation for damage or loss; an order requiring the Landlord to comply with the *Act*; an order requiring the Landlord to make emergency repairs for health or safety reasons; an order requiring the Landlord to provide services or facilities required by the law; an order requiring the Landlord to return the Tenant’s personal property; an order suspending or setting conditions on the Landlord’s right to enter the rental unit; and an order authorizing the Tenant to change the locks on the rental unit.

In the Second Application, the Tenant is seeking the following relief pursuant to the *Act*: an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated May 2, 2016 (the “10 Day Notice”); an order requiring the Landlord to comply with the *Act*, regulation, or tenancy agreement; and an order requiring the Landlord to return the Tenant’s personal property.

The file number for the Second Application is referenced on the cover page of this decision for convenience.

Preliminary and Procedural Matters

These matters were set for hearing by telephone conference call at 9:00 A.M. (Pacific Time) on June 1, 2016. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Respondent. Therefore, as the Applicant did not attend the hearing by 9:10 A.M.,

and the Respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

When a tenant brings an application to dispute a landlord's notice to end tenancy, section 55 of the *Act* requires that I grant an order of possession to the Landlord if the tenant's application is dismissed and the notice complies with section 52 of the *Act*.

On review of the 1 Month Notice and the 10 Day Notice, I find that both comply with section 52 of the *Act*.

As the Tenant's applications have been dismissed, and the notices comply with section 52 of the *Act*, I grant an order of possession in favour of the Landlord. The order of possession will be effective two days after service on the Tenant, and may be filed in and enforced as an order of the Supreme Court of British Columbia.

Conclusion

The Tenant's Applications are dismissed without leave to reapply.

The Landlord is granted an order of possession, which will be effective two days after service on the Tenant.

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 01, 2016

Residential Tenancy Branch