



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Tenant on May 9, 2016 seeking an Order to cancel a 10 Day Notice to end tenancy.

The hearing was conducted via teleconference and was attended by the Landlord. No one was in attendance on behalf of the Tenant despite this hearing being convened to hear the Tenant's application.

Issue(s) to be Decided

- 1) Should this application be dismissed with or without leave to reapply?
- 2) If dismissed, should the Landlord be issued an Order of Possession?

Background and Evidence

There was no additional evidence or testimony provided in support of the Tenant's application as no one attended on behalf of the Tenant.

A copy of the 10 Day Notice to end tenancy issued May 4, 2016 was provided in evidence listing an effective date of May 15, 2016 and \$4,150.00 in unpaid rent that was due May 1, 2016. The Landlord appeared and stated he personally served the Tenant with the 10 Day Notice on May 4, 2016.

Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing.

In the absence of the applicant Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenant called into the hearing during this time.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The 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.

In the absence of any oral submissions from the applicant Tenant I find the Tenant failed to prove the merits of her application. Accordingly, I order the application dismissed without liberty to reapply.

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

Upon review of the 10 Day Notice to end tenancy issued May 4, 2016 I find that Notice complies with section 52 of the *Act*. Accordingly, I grant the Landlord an Order of Possession pursuant to section 55(1) of the *Act*.

The Landlord has been issued an Order of Possession effective **Two (2) Days after service upon the Tenant**. In the event that the Tenant does not comply with this Order it may be enforced through Supreme Court.

Conclusion

The Tenant's application was dismissed, without leave to reapply and the Landlord was issued an Order of Possession.

This decision is final, legally binding, and 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 13, 2016

Residential Tenancy Branch