



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC CNR RR

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution (the "Application") under the *Residential Tenancy Act* (the "Act"), seeking to cancel a 10 day Notice to End Tenancy for Unpaid Rent or Utilities dated May 17, 2016 (the "10 Day Notice"), to cancel a 1 Month Notice to End Tenancy for Cause dated May 17, 2016 (the "1 Month Notice"), and for authorization for the tenant to reduce rent for repairs, services or facilities agreed upon but not provided.

The landlord appeared at the teleconference hearing. The hearing was by telephone conference call and began at 11:00 a.m. Pacific Time on this date, Thursday, June 16, 2016. The telephone line remained open while the phone system was monitored for 23 minutes and the only participant who called into the hearing during this time was the respondent landlord. The landlord testified that the tenant continues to occupy the rental unit.

After a total of 20 minutes, the tenant's application was **dismissed in full, without leave to reapply** as the tenant failed to attend to present the merits of his Application. Section 55 of the *Act* applies and states:

Order of possession for the landlord

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.

[my emphasis added]

I have considered the 10 Day Notice submitted in evidence which was dated May 17, 2016, and had an effective vacancy date of May 27, 2016. The 10 Day Notice indicates that as of May 1, 2016, rent arrears of \$900.00 was owing to the landlord. The landlord stated that the tenant was served personally on May 17, 2016 with the 10 Day Notice and disputed it the next day on May 18, 2016. As the tenant failed to attend the hearing as scheduled, the tenant's application has been dismissed. I find the tenancy ended on May 27, 2016 which has passed. Therefore, pursuant to section 55 of the *Act*, **I grant** the landlord an order of possession effective **two (2) days** after service upon the tenant.

Conclusion

The tenant's application is dismissed in full, without leave to reapply.

The landlord is granted an order of possession effective two (2) days after service upon the tenant. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, except as otherwise provided under the *Act*, 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 16, 2016

Residential Tenancy Branch