



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding NEWTOWN PROPERTIES  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes MT, DRI, CNR, LAT, RR, SS, O

### Introduction

This matter was set for hearing at 09.00 a.m. on this date to hear the tenant's application for more time to file an application to dispute a 10 Day Notice to End Tenancy for unpaid rent (the Notice), to dispute an additional rent increase; to dispute a 10 Day Notice to End Tenancy for unpaid rent; for an Order to allow the tenant to change the locks; for an Order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided; for an Order to serve documents in a different way than required by the *Residential Tenancy Act (Act)*; and other issues.

Since the applicant did not appear at the hearing by 9.24 a.m., but the respondent's agent did appear and was ready to proceed, I dismiss the tenant's application without leave to reapply pursuant to rule 7.3 of the Residential Tenancy Branch *Rules of Procedure*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The landlord served the tenant with a 10 Day Notice to End Tenancy for unpaid rent on June 06, 2016 in person. A copy of this Notice has been provided in documentary evidence and states that the tenant owes rent for June of \$650.00. The Notice has an effective date of June 16, 2016.

### Analysis

The tenant has failed to appear for a scheduled Dispute Resolution hearing and as a result the tenant's application has been dismissed. Part of the tenant's application was to dispute a 10 Day Notice to End Tenancy.

S. 55(1) of the *Act* provides that:

**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.*

I find the landlord's Notice to End Tenancy does comply with s. 52 of the *Act* and the landlord's agent requested that I uphold the Notice and issue an Order of Possession for the rental unit. The effective date of the Notice is June 16, 2016; and this date has since passed. As I have dismissed the tenant's application I therefore issue an Order of Possession to the landlord.

Conclusion

The tenant's application is dismissed in its entirety without leave to re-apply.

The landlord has been issued an Order of Possession effective **Two days after service upon the tenant** pursuant to s. 55(1)(b) of the *Act*. This Order must be served on the tenant. If the tenant remains in Possession of the rental unit and does not relinquish that possession to the landlord then the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: July 20, 2016

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Residential Tenancy Branch