



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

OPR, MNR

### Introduction

This hearing was convened in response to cross applications.

On June 08, 2016 the Landlords filed an Application for Dispute Resolution, in which the Landlords applied for an Order of Possession for Unpaid Rent and a monetary Order for unpaid rent. This matter was the subject of a direct request proceeding on June 20, 2016, which resulted in an Order of Possession and a monetary Order being granted to the Landlord.

The Tenant filed an Application for Review Consideration and on June 27, 2016 a Residential Tenancy Branch Arbitrator:

- suspended the decision and Orders of June 20, 2016;
- ordered that the Landlords' Application for Dispute Resolution be joined with the Tenant's Application for Dispute Resolution that was filed on June 06, 2016;
- ordered that both matters be considered at the hearing that was previously scheduled for July 13, 2016; and
- ordered the Tenant to serve the Landlords with the review consideration decision and the Notice of the Reconvened Hearing.

The female Landlord stated that the Tenant did not serve the Landlords with a copy of his Application for Review Consideration. In the absence of evidence to the contrary I accept that this document has not been served to the Landlords and it was not considered during this adjudication.

The female Landlord stated that the Tenant did not serve the Landlords with a copy of the Notice of Reconvened Hearing, although the Landlords obtained a copy of the Notice of Review Hearing from the Residential Tenancy Branch. The female Landlord stated that the Landlords also received a copy of the review consideration decision of June 27, 2016 from the Residential Tenancy Branch.

On June 06, 2016 the Tenant filed an Application for Dispute Resolution in which the Tenant applied:

- to set aside a Notice to End Tenancy for Unpaid Rent;
- for more time to apply to set aside a Notice to End Tenancy for Unpaid Rent;

- for an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* or the tenancy agreement;
- for an Order suspending or setting conditions on the Landlord's right to enter the rental unit;
- for an Order requiring the Landlord to provide access to the rental unit;
- for an Order of Possession;
- to recover the fee paid to file this Application for Dispute Resolution; and
- for "other".

### Preliminary Matter

The female Landlord stated that the Landlords have never been served with a copy of the Tenant's Application for Dispute Resolution and they were not aware that he had filed an Application for Dispute Resolution until they received the review consideration decision.

This hearing was scheduled for 9:00 a.m. on this date and by the time the teleconference was terminated at approximately 9:15 a.m. the Tenant had not appeared.

I find that the Tenant failed to diligently pursue the application and I therefore dismiss his Application for Dispute Resolution without leave to reapply.

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Is the Landlord entitled to a monetary Order for unpaid rent?

### Background and Evidence

The Tenant did not attend this hearing to dispute any of the evidence considered by the Arbitrator during the direct request proceeding of June 20, 2016.

### Analysis

I find that the Tenant has submitted insufficient evidence to establish that he paid the rent of \$2,075.00 that the Arbitrator conducting the hearing on June 20, 2016 determined was overdue. I therefore can find no reason to set aside or alter the monetary Order that was granted to the Landlords on June 20, 2016.

I find that the Tenant has submitted insufficient evidence to establish that he did not receive the Ten Day Notice to End Tenancy for Unpaid Rent that the Arbitrator conducting the hearing on June 20, 2016 determined was served on June 02, 2016.

As the Tenant did not pay rent when it was due and he was served with a Ten Day Notice to End Tenancy for Unpaid Rent, I find the Landlords had the grounds to end the tenancy pursuant to section 46 of the *Act* and that the Landlords are entitled to an Order of Possession on the basis of that Ten Day Notice to End Tenancy. I therefore can find no reason to set aside or alter the Order of Possession that was granted to the Landlords on June 20, 2016.

Conclusion

As no evidence has been presented that would cause me to set aside the Order of Possession and monetary Order that was granted to the Landlords on June 20, 2016, I find that the decision and Orders of June 20, 2016 remain in full force and effect.

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 13, 2016

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Residential Tenancy Branch