



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, OPR, MNR, MDSD & FF

### Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. An order to recover the cost of the filing fee

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. An order to cancel the 10 day Notice to End Tenancy dated August 6, 2015
- b. A monetary order in the sum of \$2805
- c. An order that the landlord provide services or facilities required by law
- d. An order for emergency repairs
- e. An order to suspend or set conditions on the landlord's right to enter the rental unit.
- f. An order that the landlord comply with the Act, regulation and/or the tenancy agreement
- g. A repair order
- h. An order for the reduction of rent for repairs, services or facilities agreed upon by have not been completed.
- i. An order that the tenant recover the cost of the filing fee

A hearing was conducted by conference call in the presence of the landlord and in the absence of the Tenant. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 Notice to End Tenancy was sufficiently served on the Tenant on July 5, 2016 as acknowledged by the Tenant in her Application for Dispute Resolution. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was sufficiently served on the Tenant on July 13, 2016. The tenant was at home but refused to answer the door. The landlord left the package at the front door. The tenant later submitted a letter in which she acknowledged she received "another application from the tenancy branch for a request for possession.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated August 6, 2016?
- b. Whether the tenant is entitled to a monetary order and if so how much?
- c. Whether the tenant is entitled to recover the cost of the filing fee?
- d. Whether the landlord is entitled to an Order for Possession?
- e. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

On December 19, 2016 the tenant entered into a tenancy agreement in writing with the previous owner that provided the rent was \$1100 per month and that the tenant paid a security deposit of \$550. The present landlord purchased the property and took possession at the end of June 2016.

The landlord testified the tenant failed to pay the rent for July when due. A 10 day Notice to End Tenancy was served on the Tenant on July 5, 2016. The tenant gave the landlord a cheque on July 12, 2016 for the rent. The landlord accepted the payment "for use and occupation only." The landlord testified the cheque was returned NSF. The rent cheque for August was also returned NSF.

Tenant's Application:

The Tenant failed to attend the hearing. As a result I ordered the application of the Tenant to cancel the 10 day Notice to End Tenancy be dismissed without liberty to re-apply. I also dismissed the remainder of the Tenant's claims including her claim for a monetary order for loss of privacy and quiet enjoyment, harassment, inconvenience for the terminating of rental agreement services, the provision of cable services for 2 months and pain and suffering.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Landlord's Application:

For the reasons set out above I determined the landlord was entitled to an Order for Possession.

Analysis - Monetary Order and Cost of Filing fee:

The landlord was successful with his application. I ordered that the Tenant pay to the Landlord the sum of \$100 for the cost of the filing fee.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

Conclusion:

I dismissed the Tenant's claims as the Tenant failed to attend the hearing. I granted an Order for Possession on 2 day notice. I ordered that the tenant pay to the Landlord \$100 for the cost of the filing fee.

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: August 29, 2016

---

Residential Tenancy Branch

