



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, DRI, FF, LRE, MNDC, MNSD, O, OLC, PSF, RR

Introduction

This hearing was held in response to the tenant's application for dispute resolution in which the tenant has applied to cancel a 10 day Notice to end tenancy for unpaid rent and utilities issued on August 12, 2016; dispute a rent increase, to suspend or set conditions on the landlords' right to enter the rental unit; compensation for damage or loss under the Act in the sum of \$2,150.00; return of the security deposit; an order the landlord comply with the Act; an order the landlord to provide services or facilities required by law; an order allowing the tenant to make rent deductions and to recover the filing fee cost from the landlord.

The landlord was present at the scheduled start time of the hearing.

The landlord provided affirmed testimony confirming receipt of the tenants' hearing documents.

The landlord confirmed that a single 10 day Notice to end tenancy for unpaid rent was issued on August 12, 2016 and that the Notice had an effective date of August 26, 2016. The tenant applied to cancel the Notice on August 15, 2016. A copy of the Notice was contained in the tenants' evidence.

Residential Tenancy Branch Rules of Procedure provides:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

In the absence of an appearance of the tenant by 1:44 p.m. this application is abandoned and dismissed without leave to reapply.

Section 55(1) of the Act provides:

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.

The landlord confirmed they wished to receive an order.

Therefore, as the tenants' application is dismissed and the Notice ending tenancy supplied complies with section 52 of the Act, I find that the landlord must be issued an order of possession.

Conclusion

The application is dismissed.

The landlord is entitled to an order of possession.

This decision is final and 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: October 13, 2016

Residential Tenancy Branch