



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR

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 4, 2016 and received on August 78, 2016.

The landlord and his daughter/agent were present at the scheduled start time of the hearing. The tenant did not attend.

Issue(s) to be Decided

Should the 10 Day Notice to end tenancy for unpaid rent and utilities (the Notice") issued on August 4, 2016 be cancelled?

Background and Evidence

The landlord stated that the tenant remains in the rental unit. The tenant did not pay July rent and paid only \$100.00 of August rent. Other Notices to end tenancy have been issued; a one month Notice for repeated late payments and then a two month Notice for landlords' use. The August 4, 2016 Notice was the first issued and has an effective date of August 14, 2016.

After 12 minutes the tenant had not entered the conference call hearing.

Analysis

In the absence of evidence to the contrary, I find that the tenant was served with a Notice ending tenancy that required the tenant to vacate the rental unit on August 14, 2016, pursuant to section 88 of the Act. The tenant disputed the Notice but did not attend the hearing in support of his application. Therefore, in the absence of the tenant at the hearing I find that the application is dismissed.

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.*

(Emphasis added)

Therefore, as the tenants' application is dismissed I find pursuant to section 55(1) of the Act that the landlord must be issued an order of possession.

Conclusion

The tenants' 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 03, 2016

Residential Tenancy Branch