



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

On August 9, 2016, the Tenant made an Application for Dispute Resolution to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (“the 10 Day Notice”) dated August 5, 2016.

The matter was set for a conference call hearing at 11:00 a.m. on this date. The Landlord attended the hearing; however, the Tenant did not.

The Landlord was provided the opportunity to present his evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord testified that the tenancy began in November 2014, for a fixed term that has continued as a month to month tenancy. Rent in the amount of \$850.00 per month is to be paid on the first day of each month.

The Landlord testified that he issued a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated August 5, 2016. The Landlord testified that the 10 Day Notice was served to the Tenant in person on August 5, 2016.

The Landlord testified that the Tenant made a payment of \$310.00 on August 5, 2016, and has paid the rent in full for the months of September 2016, and October 2016. The Landlord stated that he is not seeking an order of possession to end the tenancy due to unpaid rent.

Under section 55 of the Act, when a Tenants application to cancel a Notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

The Tenant applied for dispute resolution on August 9, 2016, but failed to attend the hearing. The Tenant's application is dismissed.

The Landlord stated that he is not seeking an order of possession and therefore an order of possession is not granted.

Conclusion

The Tenant did not appear at the hearing and the Tenant's application is dismissed.

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: October 03, 2016

Residential Tenancy Branch