



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, OLC

Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Unpaid Rent, to recover her security deposit, and for an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* or the tenancy agreement.

Issue(s) to be Decided

Should the Notice to End Tenancy for Unpaid Rent be set aside?
Is the Tenant entitled to the return of her security deposit?

Background and Evidence

The hearing was scheduled to begin at 10:30 a.m. on this date. I dialed into the teleconference at the scheduled time and the Agent for the Landlord dialed into the teleconference at 10:29 a.m. By the time the teleconference was terminated at 14:41 a.m., the Tenant had not appeared.

The Tenant provided the Residential Tenancy Branch with a copy of the Ten Day Notice for Unpaid Rent that she wishes to dispute, which declared that she must vacate the rental unit by September 07, 2016. The Agent for the Landlord stated that on August 25, 2016 she posted this Ten Day Notice for Unpaid Rent on the door of the rental unit.

Analysis

Section 55(1) of the *Act* requires me to grant a landlord an Order of Possession if a tenant makes an application to dispute a notice to end a tenancy; if that notice to end tenancy complies with section 52 of the *Act*; and if I, during the dispute resolution proceeding, dismiss the tenant's application.

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

As I have dismissed the Tenant's Application for Dispute Resolution and the Ten Day Notice to End Tenancy complies with section 52 of the *Act*, I grant the Landlord an Order of Possession, pursuant to section 55(1) of the *Act*.

Conclusion

I grant the Landlord an Order of Possession that is effective **two days after it is served upon the Tenant**. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

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: September 22, 2016

Corrected: November 07, 2016

Residential Tenancy Branch