



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNR, MNDC, ERP, RP, RR

Introduction

This hearing was scheduled in response to the tenants' Application for Dispute Resolution, in which the tenant has requested compensation for damage or loss under the Act in the sum of \$2,804.00; to cancel a 10 day Notice to end tenancy for unpaid rent, an order the landlord make emergency repairs and repairs and to allow the tenant to reduce rent for repair, services or facilities agreed upon but not provided.

This matter was set for hearing at 9:00 a.m. on this date.

At the start of the hearing the tenants' witness and the landlord were present.

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.

The tenant submitted copies of a 10 day Notice to end tenancy for unpaid rent issued on November 1, 2016 and October 5, 2016.

In the absence of an appearance by the tenant by 9:11 a.m. this application is abandoned and dismissed without leave to reapply within the legislated time-limit.

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.*

Therefore, as the tenants' application is dismissed I find that the landlord must be issued an order of possession. The landlord confirmed they wished to receive an order.

The landlord has been granted an order of possession that is effective two days after service to 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.

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: December 20, 2016

Residential Tenancy Branch