



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR

### Introduction and Conclusion

This hearing dealt with the tenant's Application for Dispute Resolution, seeking to cancel a 10 day Notice to End Tenancy for Unpaid Rent or Utilities dated January 13, 2017 (the "10 Day Notice").

The hearing was held by telephone conference call and began promptly at 11:00 a.m., Pacific Time, on this date, February 10, 2017. The line remained open while the phone system was monitored for 12 minutes and the only participants who called into the hearing during this time were the landlord and the sister of the landlord. As the applicant tenant did not attend the hearing and after the ten minute waiting period at 11:10 a.m. Pacific Time, the tenant's claim was **dismissed without leave to reapply**. As the tenant did not attend the hearing, I consider the 10 Day Notice to be undisputed.

The agents testified that the tenant continues to occupy the rental unit and were requesting an order of possession. Section 55 of the *Act* states:

### **Order of possession for the landlord**

**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.**

[my emphasis added]

Given the above I have reviewed a copy of the 10 Day Notice, which had an effective vacancy date of January 23, 2017, and which I find automatically corrects to January 26, 2017 under section 53 of the *Act*. Furthermore, I find the 10 Day Notice complies with section 52 of the *Act*, and pursuant to section 55 of the *Act*, I must grant an order of possession. Therefore, I grant the landlord an order of possession effective **two (2) days** after service upon the tenant. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

I find the tenancy ended on January 26, 2017 which is the corrected effective vacancy date listed on the 10 Day Notice.

This decision is final and binding on the parties, except as otherwise provided under the *Act*, 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: February 10, 2017

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Residential Tenancy Branch