



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the 10 day Notice to End Tenancy dated January 19, 2017
- b. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of the respondent and in the absence of the applicants who failed to appear. I waited 10 minutes and monitored the conference call hearing but the applicants failed to call in. I then proceeded with the hearing. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Notice to End Tenancy was served on the Tenants by posting on January 19, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlords by mailing, by registered mail to where the landlords reside on January 20, 2017. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated January 19, 2017?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on December 1, 2016. The tenancy agreement provided that the tenant(s) would pay rent of \$1000 per month payable in advance on the first day of each month. The security deposit was set at \$500. The tenant(s) paid a \$400 of the security deposit.

The tenants failed to pay the rent for December 2016 and January 2017 and the sum of \$2000 remains outstanding. The landlord testified the upstairs tenants told him that the tenants vacated the rental unit on February 8, 2017.

Analysis:

The tenants failed to attend the hearing. I determined there was no basis to cancel the 10 day Notice. It was on the approved form and served on the Tenants in accordance with the Act. The tenants owe rent for December 2016 and January 2017 and the sum of \$2000 remains outstanding.

Determination and Orders:

As a result I dismissed the tenant's application to cancel the Notice to End Tenancy without leave to re-apply. I order that the tenancy shall end on the date set out in the Notice. I further order that the application of the tenant for the cost of the filing fee be dismissed.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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.TEXT

Dated: February 15, 2017

Residential Tenancy Branch