



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

Dispute Codes                      CNR

## Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for cancellation of the landlord's 10 Day Notice to End Tenancy for Cause ('10 Day Notice') pursuant to section 46.

The Applicant (tenant) did not attend this hearing, although I waited until 11:15 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord, AS ('landlords'), attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

AS testified that the landlords posted the 10 Day Notice on the tenant's door on February 2, 2017, with an effective date of February 12, 2017. In accordance with sections 88 and 90 of the *Act*, I find the tenant deemed served with the 10 Day Notice on February 5, 2017, three days after posting. The effective date of the 10 Day Notice is corrected to February 15, 2017. At the hearing, the landlords requested an Order of Possession if the tenant's application for cancellation of the 10 Day Notice was dismissed.

## Issues(s) to be Decided

Should the landlords' 10 Day Notice be cancelled? If not, are the landlords entitled to an Order of Possession?

## Background and Evidence

Rule 10.1 of the Rules of Procedure provides as follows:

**10.1 Commencement of the hearing** The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Section 55(1) of the *Act* reads as follows:

**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.

Analysis

**In the absence of any evidence or submissions from the applicant, I order the tenant's application dismissed without liberty to reapply.**

A copy of the 10 Day Notice was submitted by the tenant for this hearing, and I find that the landlords' 10 Day Notice complies with section 52 of the *Act*, which states that the Notice must: be in writing and must: (a) be signed and dated by the landlord or tenant giving the notice, (b) give the address of the rental unit, (c) state the effective date of the notice, (d) except for a notice under section 45 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and (e) when given by a landlord, be in the approved form. Accordingly, I find the landlord is entitled to an Order of Possession.

Conclusion

I dismiss the tenant's application without leave to reapply. I find that the landlords' 10 Day Notice is valid and effective as of February 15, 2017.

I grant an Order of Possession to the landlords effective two **days after service of this Order** on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: March 8, 2017

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Residential Tenancy Branch

