



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR

### Introduction

This matter was set for hearing at 11.00 a.m. on this date to hear the tenant's application to dispute a 10 Day Notice to End Tenancy for unpaid rent or utilities. The hearing went ahead as scheduled the respondent did appear and was ready to proceed. The line remained open for 13 minutes; however, no one for the tenant dialed into the call.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:  
Commencement of Hearing: The Dispute Resolution Hearing will commence at the scheduled time unless otherwise set by the Arbitrator. Rule 7.3 provides for the consequences of not attending the hearing and states: 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 reapply.

Based on the above I find that since the applicant did not appear at the hearing by 9.13 a.m., I dismiss the tenant's application without leave to reapply pursuant to rule 7.3 of the Residential Tenancy Branch *Rules of Procedure*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The landlord served the tenant with a 10 Day Notice to End Tenancy for unpaid rent and utilities on February 02, 2017 in person. A copy of this Notice has been provided in documentary evidence and states that the tenant owes rent of \$800.00 due on February 01, 2017 and \$800.00 for utilities due on February 02, 2017. The landlord testified that no payment has been received from the tenant.

The landlord requested an Order of Possession effective as soon as possible.

### Analysis

The tenant has failed to appear for a scheduled Dispute Resolution hearing and as a result the tenant's application has been dismissed.

S. 55(1) of the *Act* provides that:

**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.*

I find the landlord's Notice to End Tenancy does comply with s. 52 of the *Act* and the landlord requested that I uphold the Notice and issue an Order of Possession for the rental unit. The effective date of the 10 Day Notice is February 13, 2017; and this date has since passed. As I have dismissed the tenant's application I therefore issue an Order of Possession to the landlord.

### Conclusion

The tenant's application is dismissed without leave to re-apply.

The landlord has been issued an Order of Possession effective **two days after service upon the tenant** pursuant to s. 55(1)(b) of the *Act*. This Order must be served on the tenant. If the tenant remains in Possession of the rental unit and does not relinquish that possession to the landlord then the Order may be filed in 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: March 08, 2017

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Residential Tenancy Branch