



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, CNQ, DRI, MNDC, MT

Introduction

The Application for Dispute Resolution filed by the landlord seeks an Order of Possession based on a 2 month Notice to End Tenancy.

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. An order cancelling a 2 month Notice to End Tenancy because the Tenant does not qualify for subsidized housing.
- b. An order cancelling an additional rent increase
- c. A monetary order in the sum of \$1680
- d. An order that for more time to make this application.

A hearing was conducted by conference call in the presence of the landlord and in the absence of the Tenant although duly served. 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 2 month Notice to End Tenancy was served on the Tenant by mailing, by registered mail to where the Tenant resides on December 2, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was served on the Tenant by mailing, by registered mail to where the Tenant resides on February 25, 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 2 month Notice to End Tenancy?
- b. Whether the tenant is entitled to a monetary order and if so how much?
- c. Whether the tenant is entitled to an order for more time to make this application.
- d. An order cancelling an additional rent increase?
- e. Whether the landlord is entitled to an Order for Possession?

Background and Evidence

The parties entered into a tenancy agreement that provided that the tenancy would start on November 1, 2014. The rent is \$600 per month payable on the fifteenth day of each month. The tenant did not pay a security deposit.

Tenant's Application

The tenant failed to attend the hearing. As a result I dismissed the tenant's application to cancel the Notice to End Tenancy. I order that the tenancy shall end on the date set out in the Notice. I further order that all of the remaining claims including the claim for a monetary order be dismissed without liberty to re-apply.

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. The tenant has not paid the rent for February and March. I set the effective date of the 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.

Landlord's Application - Analysis - Order of Possession:

For the reasons set out above I determined the landlord was entitled to an Order for Possession on the basis of the landlord's application.

Conclusion:

I dismissed the Tenant's application without leave to re-apply including the application to cancel the 2 month Notice to End Tenancy. I granted an Order of Possession on 2 days notice.

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 21, 2017

Residential Tenancy Branch