



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENT RENTALS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

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 March 6, 2017 (the "10 Day Notice").

An agent for the named landlord company (the "agent") appeared at the teleconference hearing. The hearing was held by telephone conference call and began promptly at 11:00 a.m., Pacific Time, on this date, April 11, 2017. The line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the agent for the respondent named landlord company. 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 agent stated that the 10 Day Notice was served personally on the tenant on March 6, 2017 and had an effective vacancy date of March 10, 2017.

Background, Evidence and Analysis

The agents testified that the tenant continues to occupy the rental unit. 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 and after reviewing a copy of the 10 Day Notice, which had an effective vacancy date of March 10, 2017 and which I find complies with section 52 of the *Act*, and pursuant to section 55 of the *Act*, I must grant an order of possession. I have taken into account; however, that the agent affirmed that money had been paid by the tenant's neighbour for use and occupancy of the rental unit for the remainder of March 2017 beyond the five day timeline to pay March 2017 unpaid rent and for the month of April 2017. Therefore, I grant the landlord an order of possession effective **April 30, 2017 at 1:00 p.m.** This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

Pursuant to section 53 of the *Act*, effective vacancy dates automatically correct under the *Act*. I find that since the 10 Day Notice was personally served on March 6, 2017, the effective vacancy date would correct to March 16, 2017 and that the tenancy ended on that date as a result.

Conclusion

The tenant's application is dismissed as the tenancy failed to attend the hearing as scheduled.

I find the tenancy ended on March 16, 2017 which is the corrected effective vacancy date listed on the 10 Day Notice.

The landlord is granted an order of possession effective April 30, 2017 at 1:00 p.m. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

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: April 11, 2017

Residential Tenancy Branch