



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MT, CNR

### Introduction

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

- a. An order for more time to make the within application
- b. An order to cancel a 10 day Notice to End Tenancy dated April 3, 2017

The applicant failed to appear at the scheduled time for the hearing. The respondent was present and ready to proceed. The telephone line conference line remained open and the phone system was monitored for fifteen minutes. The applicant failed to appear. I then proceeded with the hearing in the absence of the applicant.

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 10 day Notice to End Tenancy was sufficiently served on the Tenant by serving an adult person who apparently resides with the tenant on April 3, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Landlord. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issue to be decided is whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated April 3, 2017?

### Background and Evidence

The tenancy began on approximately 1 ½ years ago. The tenant was an employee of the landlord. However, his employment was terminated on March 1, 2017.

The rent was \$1900 per month payable in advance on the first day of each month. The tenant did not pay a security deposit.

The tenant failed to pay the rent for April 2017 (\$1900 is owed) and May 2017 (\$1900 is owed). The landlord has filed an Application for Dispute Resolution which is scheduled for hearing on May 29, 2017. The tenant continues to reside in the rental unit.

### Analysis:

The tenant failed to attend the hearing and failed to present sufficient evidence to dispute the landlord's testimony. I find that the 10 day Notice to End Tenancy was sufficiently served on the

Tenant by serving the 10 day Notice to End Tenancy on an adult person who apparently resides with the Tenant. I find the form of Notice to End Tenancy is in the approved form. I find the tenant has failed to pay the rent for the month of April 2017 and May 2017. I determined there was no basis for an order cancelling the 10 day Notice to End Tenancy.

Determination and Orders:

After carefully considering all of the evidence I determined that the landlord has established sufficient cause to end the tenancy. 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.

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 effective on 2 days Notice. The hearing of the landlord's application will take place on May 29, 2017 as scheduled..

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 final and binding on the parties.**

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: May 12, 2017

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Residential Tenancy Branch