



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, DRI, FF, OLC

Introduction

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

- a. An order to cancel the one month Notice to End Tenancy dated August 4, 2017 and setting the end of tenancy for September 30, 2017.
- b. An order disputing a rent increase that does not comply with an increase permitted by the Regulations?
- c. An order to recover the cost of the filing fee?
- d. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.

The applicant failed to contact the telephone bridge number at the scheduled start of the hearing. The respondent was present and ready to proceed. The telephone line conference line remained open and the phone system was monitored for ten 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.

I find that the one month Notice to End Tenancy in the approved form was served on the Tenant by posting on August 4, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was filed by the tenant was served on the landlord.

Background and Evidence:

The tenancy began on October 1, 2014. The present rent is \$795 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$375 at the start of the tenancy.

The landlord testified the grounds set out in the one month Notice to End Tenancy was “repeated late payment of rent.” She further testified the tenant paid the rent late for January, April, May, June, July and August 2017.

In addition he paid the rent late for September and the rent for October has not been paid. The landlord made a Direct Request application for non payment of rent and an Order of Possession has been granted.

Analysis:

The tenant failed to appear at the hearing and failed to present evidence.

I determined based on the evidence presented 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. I dismissed the other claims in the Application.

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 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.

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: October 25, 2017

Residential Tenancy Branch