



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- an order to the landlord to make emergency repairs to the rental unit pursuant to section 33;
- a monetary order for the cost of emergency repairs to the rental unit pursuant to section 33;
- authorization to obtain a return of all or a portion of her security deposit pursuant to section 38; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant did not attend this hearing, although I waited until 11:15 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m.

The landlord and the landlord's property manager, A.W. (the property manager), attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The property manager stated that he would be the primary speaker at this hearing.

Rules 7.1 and 7.3 of the Residential Tenancy Branch Rules of Procedure provides as follows:

*The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.*

The landlord testified that they served the 10 Day Notice to the tenant by way of registered mail on September 18, 2017. The tenant submitted their Tenant's Application for Dispute Resolution on September 20, 2017. In accordance with section 89 of the *Act*, I find the tenant was duly served with 10 Day Notice on September 20, 2017.

### Analysis

**In the absence of any evidence or submissions from the applicant, I order the application dismissed without liberty to reapply.**

Section 55(1) of the *Act* reads as follows:

*If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,*

- (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 that the 10 Day Notice complies with section 52 of the *Act*.

Based on my decision to dismiss the tenant's application for dispute resolution and in accordance with sections 55(1) 53(2) and of the *Act*, I find that this tenancy ended on the corrected effective date of the 10 Day Notice, September 30, 2017. In this case, the tenant and anyone on the premises were required to vacate the premises by September 30, 2017.

As this has not occurred, I find that the landlord is entitled to a two (2) day Order of Possession.

Conclusion

I dismiss the tenants' application for dispute resolution without leave to reapply.

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: November 27, 2017

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Residential Tenancy Branch