



Dispute Resolution Services

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Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding Canadian Living Services Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC CNR

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") seeking to cancel a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") dated September 26, 2017 and to cancel a 10-Day Notice to End Tenancy for unpaid rent or utilities (the 10 Day Notice), dated October 6, 2017.

The respondent landlord attended the hearing. The hearing was by telephone conference and began promptly, as scheduled, at 9:30 a.m. Pacific Time on December 14, 2017, as per the Notice of a Dispute Resolution Hearing provided to the tenant. 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 respondent Landlord who was ready to proceed. The Landlord testified that the tenant continues to occupy the rental unit.

After the ten minute waiting period, the Tenant's application was **dismissed in full, without leave to reapply**.

Section 55 of the *Act* applies and 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]

First, I turn to the 10 Day Notice. The landlord provided a proof of service document for the 10 Day Notice, which shows that it was served to the Tenant by posting it to the door of his rental unit on October 6, 2017. Pursuant to section 88 and 90 of the Act, I find the Tenant is deemed to have received this Notice on October 9, 2017.

The corrected effective date for the 10 Day Notice is October 19, 2017, which has already passed. I find the tenancy ended on October 19, 2017 at 1:00 p.m. Pursuant to section 46 of the *Act*, as the tenant failed to attend the hearing, I find the 10 Day Notice to be considered undisputed by the tenant as a result.

Pursuant to section 55 of the *Act*, and having reviewed the 10 Day Notice, which I find complies with section 52 of the *Act*, I grant the landlord an order of possession effective **two (2) days** after service on the tenant.

Having made this finding, it is not necessary to look at the 1 Month Notice, given that the Landlord has already been granted an order of possession based on the 10 Day Notice, as specified above.

Conclusion

The tenant's application has been dismissed in full, without leave to reapply as the tenant failed to attend the hearing. The tenancy ended on October 19, 2017 at 1:00 p.m.

The landlord has been granted an order of possession effective two (2) days after service on the tenant. This order must be served on the tenant and may be enforced in 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: December 14, 2017

Residential Tenancy Branch