



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for unpaid rent or utilities.

The landlord attended the hearing, however the line remained open while the phone system was monitored for in excess of 10 minutes and no one for the tenant joined the call.

The landlord advised that on January 16, 2018 the landlord obtained an Order of Possession of the rental unit on 2 days notice to the tenant. The tenant was served personally yesterday with a copy of the Order of Possession.

Since the tenant has not joined the hearing to present any information or testimony with respect to this application, I dismiss the tenant's application.

The *Residential Tenancy Act* states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form.

The tenant has provided a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities as evidence for this hearing, which is dated December 05, 2017 and contains an effective date of vacancy of December 20, 2017 for unpaid utilities in the amount of \$519.42 following written demand on September 05, 2017. I find that it is in the approved form and contains information required by the *Act*.

The landlord has already received an Order of Possession of the rental unit and has started the enforcement process, however the 2 days notice to the tenant of that Order of Possession has not yet expired, and therefore, I grant another Order of Possession in favour of the landlord. Since the effective date of vacancy of the 10 Day Notice to End

Tenancy for Unpaid Rent or Utilities has passed, I grant the Order of Possession on 2 days notice to the tenant.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed without leave to reapply.

I hereby grant an Order of Possession in favour of the landlord effective on 2 days notice to the tenant.

This order is final and binding and may be enforced.

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: January 18, 2018

Residential Tenancy Branch