



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was convened in response to the tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for Orders as follows:

The tenant requested:

- cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;

While the landlords attended the hearing by way of conference call, the tenant did not. The tenant is the applicant in this matter and served the landlord notice of this hearing. I find that the tenant was aware of today's hearing and the hearing proceeded and completed in their absence. The landlords were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Issue(s) to be Decided

Is the tenant entitled to have the 10 Day Notice to End Tenancy cancelled? If not, are the landlords entitled to an Order of Possession based on the 10 Day Notice?

Background and Evidence

The landlords gave undisputed testimony regarding the following facts. The tenancy began on February 1, 2017, with monthly rent set at \$1800.00, payable on the first of each month. The landlords collected, and still hold, a security deposit of \$900.00.

The landlord issued the 10 Day Notice on December 8, 2017 to the tenant for unpaid rent for the month of December. The landlord testified that they posted the notice on the door that day. The landlord testified that the tenant has not paid the rent for January and February. The landlord testified that the tenant owes them \$5400.00 in unpaid rent.

Analysis

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

- 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.

In the absence of any evidence or submissions from the tenant, I order the tenant's application dismissed without liberty to reapply. 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 pursuant to section 55(1) of the *Act*, I find that this tenancy is terminated. I find that the landlords are entitled to a 2 day Order of Possession. The landlords will be given a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit within the 2 days required, the landlords may enforce this Order in the Supreme Court of British Columbia.

Conclusion

As the tenant did not attend this hearing, their entire application is dismissed without leave to reapply. I grant an Order of Possession to the landlords effective **two (2) days after service on the tenants**. Should the tenant or anyone 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: February 28, 2018

Residential Tenancy Branch