



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 557135 BC LTD DBA PARKSTONE PLACE APARTMENTS  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing was scheduled for 9:30 a.m. on this date, via teleconference call, to deal with the tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent. The landlord appeared and was represented at the hearing; however, the tenant did not appear despite leaving the teleconference call open until 9:51 a.m.

The landlord's agents confirmed receipt of the tenant's Application for Dispute Resolution and confirmed they were prepared to respond to the tenant's application. The landlords also confirmed that the tenant continues to reside in the rental unit and did not pay any rent or February 2018 or March 2018. The landlords requested an Order of Possession effective as soon as possible.

Since the tenant did not appear at the hearing scheduled to deal with her Application for Dispute Resolution and the landlords did appear and were prepared to respond, I dismissed tenant's application without leave to reapply. Section 55(1) of the Act provides that I must provide the landlord with an Order of Possession in certain circumstances. Accordingly, I proceeded to consider whether the landlord is entitled to an Order of Possession under this application.

On a procedural note, the landlord's agents stated they had also filed an Application for Dispute Resolution seeking an order for an early end of tenancy and Order of Possession, which was set for hearing on March 28, 2018 (file number referenced on the cover page of this decision). For reasons provided in this decision, I granted the landlords an Order of Possession under the tenant's application and the landlord's application became moot. Accordingly, the landlord requested that their Application for Dispute Resolution be withdrawn. I have recorded the landlord's Application for Dispute Resolution as being withdrawn and there shall be no hearing on March 28, 2018 to deal with the landlord's Application for Dispute Resolution.

On another procedural note, the tenant had named the building manager as the landlord on her Application for Dispute Resolution. The application has been amended to include the landlord's name as it appears on the 10 Day Notice the tenant filed to dispute.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession under section 55(1) of the Act?

### Background and Evidence

The tenancy started on December 20, 2017 and the tenant paid a security deposit of \$412.50. The monthly rent was set at \$825.00 payable on the first day of every month. The tenant did not pay rent for February 2018 when due and on February 4, 2018 the landlord put a 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice") in the tenant's mailbox. The 10 Day Notice indicates rent of \$825.00 was outstanding as of February 1, 2018 and has a stated effective date of February 17, 2018. The tenant filed to dispute the 10 day Notice; however, her application was dismissed, as explained above, for the tenant's failure to appear at the hearing and present a basis for cancelling the 10 day Notice.

The landlord's agents confirmed the tenant did not pay the rent for February 2018 and did not pay any monies for the month of March 2018 and she continues to occupy the rental unit. The landlord requested an Order of Possession effective as soon as possible.

The tenant had provided a copy of the 10 Day Notice in filing her Application for Dispute Resolution. I note that it is in the approved form and it is duly completed.

### Analysis

Section 55(1) of the Act provides that I must provide the landlord with an Order of Possession in certain circumstances. Section 55(1) provides 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 this case, I have dismissed the tenant's application to cancel the 10 Day Notice served upon her due to her failure to appear at the hearing and present a basis to cancel the 10 Day Notice. Upon review of the 10 Day Notice the tenant provided as evidence I find that it meets the form and content requirements of section 52 of the Act. Therefore, I provide the landlord with an Order of Possession as required under section 55(1) of the Act.

With this decision the landlord is provided an Order of Possession effective two (2) days after service upon the tenant.

#### Conclusion

The tenant's application to cancel a 10 Day Notice is dismissed and the landlord is provided an Order of Possession effective two (2) days after service upon the tenant.

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: March 22, 2018

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Residential Tenancy Branch