



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, LRE, MNDCT, MNRT, OLC, RR

Introduction

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

- cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- cancellation of the landlords' One Month Notice to End Tenancy for Cause (the One Month Notice) pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement and for the cost of emergency repairs to the rental unit pursuant to section 67; and
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;

The tenant did not attend this hearing, although I waited until 9:15 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:00 a.m.

The landlords and an agent of the landlord attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord's legal counsel (the landlord) also attended the hearing and indicated that they would be the primary speaker for the landlords

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

Commencement of the Hearing - 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 acknowledged receipt of the Application for Dispute Resolution (the Application). In accordance with section 89 of the *Act*, I find the landlords were duly served with the Application.

The landlord testified that they served the 10 Day Notice to the tenant by posting it to the door of the rental unit on February 02, 2018. The tenant submitted their Amendment to an Application for Dispute Resolution to the Residential Tenancy Branch, to dispute the 10 Day Notice, on February 05, 2018, in which the tenant indicated that they received the 10 Day Notice on February 02, 2018. In accordance with section 89 of the *Act*, I find the tenant was duly served with 10 Day Notice on February 02, 2018.

Issues to be Decided?

Should the landlords' 10 Day Notice be cancelled? If not, are the landlords entitled to an Order of Possession?

Is the tenant entitled to any of the other remedies they are seeking under the *Act*?

Background and Evidence

A copy of the signed 10 Day Notice dated February 02, 2018, identifying \$4,850.00 in unpaid rent with an effective date of February 12, 2018, was provided in evidence.

The landlord confirmed that the tenant is still in the rental unit and has not paid any money towards the amount owing on the 10 Day Notice. The landlord requested an Order of Possession.

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 and in accordance with section 55(1) of the Act, I find that the landlord is entitled to a two (2) day Order of Possession.

Conclusion

I dismiss the tenant's Application in its entirety, without leave to reapply.

I grant an Order of Possession to the landlords effective **two days after service of this Order** on the tenant. Should the tenant(s) 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: April 04, 2018

Residential Tenancy Branch