



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, ERP, LRE, OLC,

Introduction

On February 9, 2018, the Tenants applied for dispute resolution seeking the following:

- for an order that the Landlord make emergency repairs to the rental unit.
- for an order that the Landlord to comply with the *Residential Tenancy Act (the Act)*, regulations or tenancy agreement.
- To suspend or set conditions on the Landlords right to enter the unit
- To cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities

The matter was scheduled for a teleconference hearing. The Landlord attended the hearing; however, the Tenants did not.

Preliminary and Procedural Matters

The Landlord attended the hearing and provided the correct spelling of his name. The Tenants' application included an incomplete spelling of the Landlord's name.

Issue to be Decided

- Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord testified that the tenancy began on December 1, 2016, as a month to month tenancy. Rent in the amount of \$2,350.00 per month is to be paid by the first day of each month. The Tenants paid a security deposit in the amount of \$1175.00.

The Landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated February 2, 2018. The Notice indicates that the Tenants have failed to pay \$2,350.00 that was due on February 1, 2018.

The Notice informed the Tenants that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenants had five days to dispute the Notice.

The Tenants disputed the 10 Day Notice on February 9, 2018.

The Landlord testified that on March 10, 2018, he attended the rental unit to discover that the Tenants had moved out of the rental unit. The Landlord testified that the Tenants abandoned some of their possessions in the rental unit, and that there were squatters living in the basement. The Landlord removed the squatters and changed the locks.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

I find that the Tennats received a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated February 2, 2018. The Tenants disputed the 10 Day Notice but failed to attend the hearing.

Since the Tenants have failed to attend the hearing, I dismiss their application in its entirety without leave to reapply.

I find that the tenancy ended on February 13, 2018, which is the effective date of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated February 2, 2018.

Under section 55 of the Act, when a Tenants application to cancel a Notice to end tenancy is dismissed and I am satisfied that the notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

I find that the Notice complies with the requirements for form and content and I find that the Landlord is entitled to an order of possession. Since the Tenants have already

moved out of the unit, the Landlord does not need an order of possession for the rental unit.

Conclusion

The Tenant's failed to attend the hearing. The Tenants application is dismissed. The tenancy ended on the effective date of the 10 Day Notice.

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 17, 2018

Residential Tenancy Branch