



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNR, CNC, FF  
OPR, FF

### **Introduction**

This hearing was convened in response to cross applications by both parties pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows. The tenant made application February 10, 2018 for:

1. To Cancel a Notice to End for Unpaid rent - Section 46
2. To Cancel a Notice to End for Cause - Section 47
3. An Order to recover the filing fee for this application - Section 72

The landlord made application February 22, 2018 for:

1. An Order of Possession - Section 55
2. A Monetary Order for unpaid rent – Section 67
3. An Order to recover the filing fee for this application - Section 72

The applicant tenant was provided with a copy of the Notice of a Dispute Resolution Hearing dated February 15, 2018 after filing their application to dispute the landlord's Notices to End. The tenant, however, did not attend the hearing set for today at 11:00 a.m. The phone line remained open during the hearing of 15 minutes and was monitored throughout this time. The only party to call into the hearing was the landlord's representative. The landlord testified the tenant still resides in the unit.

I accept the landlord's evidence the tenant was personally served with the landlord's application for dispute resolution and notice of hearing as well as their evidence. The landlord testified they confirmed the tenant could access the landlord's digital evidence. The landlord was given opportunity to be heard, to present evidence and to make submissions.

### **Issue(s) to be Decided**

Is the landlord entitled to an Order of Possession?  
Is the landlord entitled to recover their filing fee/

### **Background and Evidence**

In the tenancy rent in the amount of \$500.00 is payable in advance on the first day of each month. The landlord holds the security deposit of \$250.00 in trust.

The tenant is claimed to have caused extraordinary damage and on January 29, 2018 the landlord served the tenant with a 1 Month Notice to End tenancy for Cause. The tenant applied to dispute the Notice to End but did not attend their hearing.

### **Analysis**

*The full text of the Act, and other resources, can be accessed via the Residential Tenancy Branch website: [www.gov.bc.ca/landlordtenant](http://www.gov.bc.ca/landlordtenant).*

Based on the landlord's evidence I find that the tenant was served with a Notice to End Tenancy January 29, 2018. The tenant applied to dispute the Notice to End but did not attend their hearing and as a result their application disputing the Notice is **dismissed**.

I find the landlord's Notice to End complies with the form and content required by **Section 52** of the act. In this type of matter, **Section 55(1)** of the Act prescribes that if I dismiss the tenant's application or uphold the landlord's Notice to End I *must* grant the landlord an **Order of Possession**. The landlord is further entitled to recover their filing fee from the tenant.

### **Conclusion**

The tenant's application is dismissed, without leave to reapply.

The landlord's application is granted.

**I grant an Order of Possession to the landlord effective 2 days from the day it is served on the tenant.** The tenant must be served with this Order of Possession. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

**I Order** that the landlord may retain \$100.00 from the tenant's security deposit in satisfaction of the filing fee.

**This Decision is final and binding.**

*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 23, 2018

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Residential Tenancy Branch