



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, OPR

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. An order to cancel the 10 day Notice to End Tenancy dated April 2, 2018
- b. An order to cancel a one month Notice to End Tenancy dated March 26, 2018.

The Application for Dispute Resolution filed by the landlord claims an Order for Possession for non-payment of rent.

The tenant(s) failed to appear at the scheduled start of the hearing which was 1:00 p.m. on May 28, 2018. A representative of the landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the scheduled start time in order to enable the tenant to call in. The tenants failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The representative of the landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was personally served on the Tenant on April 2, 2018. The landlord testified that she is the manager of the building. The Application for Dispute Resolution was filed by her head office and she did not have the information on service of the Application for Dispute Resolution.

Issue(s) to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End
- b. Whether the landlord is entitled to an Order for Possession?

Background and Evidence:

The parties entered into a month to month tenancy agreement that provided that the tenancy would start on April 1, 2017. The rent is \$850 per month. The tenant paid a security deposit of \$425 prior to the start of the tenancy.

The landlord testified the tenant vacated the rental unit in April, gave his belongings to neighbors and the key to the rental unit has been returned.

Tenant's Application:

I dismissed the tenant's application to cancel the 10 day Notice to End Tenancy. There is outstanding rent. The landlord used the correct form. The tenant has vacated the rental unit and did not appear at the hearing. I determined the tenant by his conduct has no interest in reinstating the tenancy.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession forthwith.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Landlord's Application - Order of Possession:

The landlord was not able to prove service of the Application for Dispute Resolution filed by the landlord. As a result I dismissed the landlord's application with liberty to re-apply.

This decision is final and binding on the parties.

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: May 28, 2018

Residential Tenancy Branch