



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC

Introduction

This hearing dealt with an Application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, and for the Landlord to comply with the Residential Tenancy Act ("the Act").

The matter was set for a conference call hearing at 9:00 a.m. on this date. The Landlord attended the hearing; however, the Tenant did not.

The Landlord was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

- Is the Landlord entitled to an order of possession?

Background and Evidence

The rental property is a campground that permits short term site rentals and long term tenancies. The Landlord testified that the tenancy began in the summer of 2017. In November of 2017, the Tenant moved the recreation vehicle to the long term area of the campground.

The Landlord testified that she served the Tenant a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated March 16, 2018. The Landlord testified that the Tenant owed \$860.00 in unpaid rent.

The Landlord testified that the Tenant moved off of the rental property on March 21, 2018, and has subsequently sold the recreational vehicle that was left behind.

The Tenant applied to dispute a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, but did not provide a copy of a 10 Day Notice. The Tenant failed to attend the hearing.

The Landlord testified that she does not require an order of possession for the rental site.

Analysis

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

I find that the Tenant applied to dispute a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities but failed to attend the hearing. I dismiss the Tenant's application to cancel the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

Under section 55 of the Act, when a Tenant's 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.

The Landlord testified that the Tenant has moved off the property and she does not require an order of possession. An order of possession has not been issued.

Conclusion

The Tenant failed to attend the hearing. The Tenant's application is dismissed without leave to reapply.

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 2, 2018

Residential Tenancy Branch