



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

Tenant: CNR  
Landlord OPR, MNR, 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 March 13, 2018 for:

1. To Cancel a Notice to End for Unpaid rent - Section 46

The landlord made application March 21, 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 March 13, 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 the phone system and conference bridge was monitored throughout this time. The only party to call into the hearing was the landlord. The landlord testified the tenant still resides in the unit.

I accept the landlord's evidence the tenant was served with the landlord's application for dispute resolution and notice of hearing as well as their evidence by registered mail. In the absence of the tenant the landlord was given opportunity to be heard, to present evidence and to make submissions.

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

Is the landlord's Notice to end valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order as claimed?

### **Background and Evidence**

This tenancy started December 01, 2018. Rent in the amount of \$2500.00 is payable in advance on the first day of each month. The landlord does not hold a security deposit.

The landlord claims the tenant failed to pay rent in the month of February and March 2018 and on March 06, 2018 the landlord served the tenant with a 10 Day Notice to End tenancy for non-payment of rent by posting the notice on the tenant's door. The landlord provided a copy of the 10 day notice to end and Proof of Service for the Notice. The landlord claims that the tenant has further failed to pay rent in the subsequent months of April and May 2018 and to date the tenant owes the rent for all of the respective 4 months. The tenant applied to dispute the Notices to End but did not attend the 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 notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and despite applying for Dispute Resolution to dispute the notices they have not attended their own hearing and as a result their application is **dismissed**, without leave to reapply.

I find the landlord's Notices to End comply 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.

I also find that the landlord has established a monetary claim for unpaid rent. The landlord is also entitled to recovery of their filing fee.

*Calculation for Monetary Order*

Rental Arrears – February to May 2018	\$10,000.00
Filing Fee for the cost of this application	100.00
<b>Total Monetary Award to landlord</b>	<b>\$10,100.00</b>

### **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 grant** the landlord an Order under Section 67 of the Act for the amount of **\$10,100.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

**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: May 30, 2018

---

Residential Tenancy Branch