



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR; EPR; LRE; RP

Introduction

This is the Tenant's Application for Dispute Resolution seeking to cancel a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on April 20, 2018 (the "Notice"); an Order that the Landlord provide emergency repairs to the rental unit; an Order suspending or limiting the Landlord's access to the rental unit; and a rent reduction.

This Hearing was scheduled to be heard on June 20, 2018, at 1:30 p.m, via teleconference. The Applicant/Tenant did not attend this Hearing, although I left the teleconference hearing connection open until 1:40 p.m. in order to enable the Tenant to attend. The Landlord attended the Hearing and gave affirmed testimony. The Landlord testified that she received the Notice of Hearing on May 4, 2018.

I confirmed that the correct date, time, call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Landlord and I were the only ones who had called into this teleconference. As the Tenant did not attend the Hearing I dismiss the Tenant's Application in its entirety without leave to reapply.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord testified that she served the Tenant with the Notice by posting it to the Tenant's door on April 20, 2018.

Analysis

Section 55(1) of the Act provides:

Order of possession for the landlord

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

- (a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I find that the Notice provided by the Tenant in evidence complies with Section 52 of the Act. I have dismissed the Tenant's application. Therefore, in accordance with the provisions of Section 55(1) of the Act, I find that the Landlord is entitled to an Order of Possession.

I find that the effective date of the Notice was May 3, 2018 (10 days after the Tenant was deemed to have received the Notice), and that the Tenant is overholding.

Conclusion

The Tenant's Application is dismissed **without leave to reapply**.

The Landlord is hereby provided with an Order of Possession **effective two days after service of the Order upon the Tenant**. This Order may be enforced in the Supreme Court of British Columbia.

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: June 20, 2018

Residential Tenancy Branch