



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the 10 day Notice to End Tenancy dated May 11, 2018

The tenant(s) failed to appear at the scheduled start of the hearing which was 9:00 a.m. on July 11, 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 schedule 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 Notice to End Tenancy was personally served on the Tenant on May 11, 2016. I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord.

Issues to be Decided:

The issue to be decided is whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated May 11, 2018?

Background and Evidence:

The landlord recently purchased the rental property with possession at the end of April 2018. The agent for the landlord testified he does not know when the Tenant moved into the rental unit as the previous owner failed to provide him with that information. The rent is \$500 a month payable in advance on the first day of each month. The agent for the landlord does not know whether the Tenant paid a security deposit to the previous owner.

At the end of April the landlord advised the Tenant of the change in ownership and served a 2 month Notice to End Tenancy on the Tenant that set the end of tenancy for June 30, 2018. The agent for the landlord stated that he is unaware of the Tenant disputing that Notice to End Tenancy.

The agent for the landlord testified the Tenant failed to pay the rent for the months of May 2018, June 2018 and July 2018.

Analysis:

The tenant failed to attend the hearing. Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

After carefully considering all of the evidence I determined the Tenant failed to pay the rent for the months of May, 2018, June 2018 and July 2018. The tenant alleged in his Application for Dispute Resolution but failed to prove that he paid the rent for May to the previous owner. In any event I determined the Tenant had been given notice of the change in ownership at the time the rent for May was due and owing and the Tenant had the obligation of paying the rent to the new landlord. .

Determination and Orders:

As a result I dismissed the tenant's application to cancel the 10 day Notice to End Tenancy without leave to re-apply. I order that the tenancy shall end.

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 on 2 days notice.

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.

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: July 11, 2018

Residential Tenancy Branch