



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: AAT, CNE, CNL-4M, CNR, ERP, LAT, LRE, MNDCT, MNRT

### **Introduction:**

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy for end of employment dated May, 26, 2018.
- b. An order to cancel a 10 day Notice to End Tenancy dated May 26, 2018.
- c. An order disputing a 4 month Notice to End Tenancy for demolition, renovation or conversion to another use
- d. An order that the landlord make emergency repairs.
- e. An order authorizing the Tenant to change the locks.
- f. An order suspending or setting conditions on the landlord's right to enter the rental unit or site.
- g. An order that the landlord allow access to the unit or site for the tenant and/or his guests
- h. An order that the landlord pay back to the Tenant \$2100 for the cost of emergency repairs that the tenant has made during his tenancy
- i. A monetary order in the sum of \$32,900 for unpaid wages.
- j. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.

The tenant(s) failed to appear at the scheduled start of the hearing which was 9:00 a.m. on July 18, 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.

Neither party presented any documentary evidence. The agent for the landlord stated he was recently asked by the respondent to assist and he did not have sufficient time to provide those documents.

I find that a 10 day Notice to End Tenancy and a one month Notice to End Tenancy for the end of employment was personally served on the applicant on May 26, 2018. The applicant acknowledges this in his Application for Dispute Resolution.

The witnesses testified that they served the 10 day Notice to End Tenancy and the one month Notice to End Tenancy on the applicant and both documents were in the approved government form. Neither party produced a copy of the Notices to End Tenancy. They further testified that the applicant came to visit on New Years day and refused to leave the rental unit since then. He has not paid any rent and not done any work for the landlord. The police have been called over 10 times and the police have refused to do anything to evict him because he tells the police that he is working for the landlord and that his rent has been paid through his work.

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.

The applicant failed to appear. A representative of the respondent and three witnesses on behalf of the landlord were present. I accept the testimony of the witnesses that they served a 10 day Notice to End Tenancy and a one month Notice to End Tenancy for the end of employment in the approved government form on the applicant on May 26 2018 and that the applicant failed to pay any rent and did not do any work for the landlord. .

I ordered that the entire the application filed by the applicant be dismissed without liberty to reapply. In particular I order that the application to cancel the 10 day Notice to End Tenancy dated May 26, 2016 and the one month Notice to End Tenancy for end of employment dated May 26, 2018 be cancelled.

### **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. I accept the evidence of the witnesses for the landlord that the approved

government form was served on the applicant. As a result I granted the landlord an Order for Possession on 2 days notice to the applicant. .

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 18, 2018

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Residential Tenancy Branch