



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant did not attend this hearing, although I waited until 11:12 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m.

An agent of the landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord's legal counsel (the landlord) also attended the hearing and indicated that they would be the primary speaker for the landlord.

Rules 7.1 and 7.3 of the Residential Tenancy Branch Rules of Procedure provides as follows:

Commencement of the Hearing - The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

The landlord acknowledged receipt of the Application for Dispute Resolution (the Application). In accordance with section 89 of the *Act*, I find the landlord was duly served with the Application.

The landlord testified that they served the 10 Day Notice to the tenant by posting it to the door of the rental unit on June 05, 2018. As the tenant disputed the 10 Day Notice on June 12, 2018, and indicated that they were served with the 10 Day Notice on June 05, 2018, I find the tenant was duly served with 10 Day Notice pursuant to section 88 of the Act.

Issues to be Decided?

Should the landlord's 10 Day Notice be cancelled? If not is the landlord entitled to an Order of Possession?

Is the tenant entitled to any of the other remedies they are seeking under the Act?

Background and Evidence

A copy of the signed 10 Day Notice dated June 05, 2018, identifying \$1,800.00 in unpaid rent with an effective date of June 19, 2018, was provided in evidence by the landlord.

The landlord confirmed that the tenant is still in the rental unit and has not paid the full amount owing on the 10 Day Notice. The landlord requested an Order of Possession.

Analysis

In the absence of any evidence or submissions from the applicant, I order the Application dismissed, without liberty to reapply.

Section 55(1) of the Act reads as follows:

If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

(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 10 Day Notice complies with section 52 of the Act.

Based on my decision to dismiss the tenant's Application and in accordance with section 55(1) of the Act, I find that the landlord is entitled to a two (2) day Order of Possession.

Conclusion

I dismiss the tenant's Application in its entirety, without leave to reapply.

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant(s) or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of 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: August 09, 2018

Residential Tenancy Branch