



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GRANVILLE ENTERTAINMENT GROUP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes Landlord: OPR MNR MNSD FF
Tenants: CNR

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on October 29, 2018.

The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- cancel the 10 Day Notice to End Tenancy for Unpaid rent or utilities (the 10 Day Notice);

The Landlord's Agent (the Landlord) cross-applied for the following relief:

- an Order of Possession pursuant to section 55; and,
- a monetary order for unpaid rent pursuant to section 67.

Preliminary and Procedural Issues

The Landlord attended the hearing and provided testimony. However, the Landlord was unable to provide sufficient details as to how he served the Tenant with his application, evidence, and Notice of Hearing. As such, I am not satisfied the Landlord has sufficiently served the Tenant with his application package. I dismiss the Landlord's application in full, with leave to reapply.

The Tenant also filed an application but did not attend the hearing. Since the Tenant did not appear at the hearing, I dismiss his application in its entirety without leave to reapply.

With respect to the Tenant's application to cancel the 10 Day Notice to End Tenancy, I note that the Landlord (respondent) attended the hearing. However, the Tenant (applicant) did not. The hearing was by telephone conference and began promptly, as scheduled, at 9:30 AM Pacific Time on October 29, 2018, as per the Notice of a Dispute Resolution Hearing provided to the Tenant. The line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the respondent Landlord who was ready to proceed. The Landlord testified that the Tenant continues to occupy the rental unit.

After the ten minute waiting period, the Tenant's application was **dismissed in full, without leave to reapply.**

Section 55 of the *Act* applies and states:

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.

[My emphasis added]

Under section 55 of the *Act*, when a Tenant's application to cancel a notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52, I must grant the Landlord an order of possession. Section 52 of the *Act* requires that any notice to end tenancy issued by a landlord must be signed and dated by the landlord, give the address of the rental unit, state the effective date of the notice, state the grounds for ending the tenancy, and be in the approved form.

I find that the Notice issued by the Landlord meets the requirements for form and content and the Landlord is entitled to an order of possession.

Conclusion

The Tenant's application has been dismissed in full, without leave to reapply as the Tenant failed to attend the hearing.

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

The Landlord's application for monetary compensation is dismissed with leave to reapply.

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: October 29, 2018

Residential Tenancy Branch