



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 127 SOCIETY FOR HOUSING
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act") seeking to cancel a 10 day Notice to End Tenancy for Unpaid Rent or Utilities dated August 8, 2018 ("10 Day Notice").

An agent for the landlord ("landlord agent") and a manager of tenant services for the landlord ("landlord manager") appeared at the teleconference hearing. The hearing was held by telephone conference call and began promptly at 11:00 a.m., Pacific Time, on this date, September 28, 2018. The line remained open while the phone system was monitored for 13 minutes and the only participants who called into the hearing during this time were the landlord agent and landlord manager. As the applicant tenant did not attend the hearing and after the ten minute waiting period at 11:40 a.m. Pacific Time, the tenant's application was **dismissed without leave to reapply**. As the tenant did not attend the hearing, I consider the 10 Day Notice to be undisputed.

Preliminary and Procedural Matter

The landlord agent provided their email address at the outset of the hearing which was confirmed by the undersigned arbitrator. The landlord agent confirmed their understanding that the decision would be emailed to the landlord and sent by regular mail to the tenant.

Background and Evidence

The landlord agent affirmed that the 10 Day Notice was served on the tenant personally on August 8, 2018 and had an effective vacancy date of August 18, 2018. The amount listed as owed was \$490.00 due August 1, 2018. The landlord agent stated that the

tenant has failed to pay any rent for August 2018 and late paid money for use and occupancy for September 2018. The landlord is seeking an order of possession for the end of September 2018 as the tenant continues to occupy the rental unit and has not paid rent for August 2018 as of the date of the hearing.

Analysis

Based on the undisputed documentary evidence and the unopposed testimony provided during the hearing, and on the balance of probabilities, I find the following.

The landlord agent testified that the tenant continues to occupy the rental unit and has not paid rent for August 2018 as indicated on the 10 Day Notice. Section 55 of the *Act* 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]

Given the above and after reviewing a copy of the 10 Day Notice, which had an effective vacancy date of August 18, 2018 and which I find complies with section 52 of the *Act*, and pursuant to section 55 of the *Act*, I must grant an order of possession. Therefore, I grant the landlord an order of possession effective **September 30, 2018 at 1:00 p.m.** I find the tenancy ended on August 18, 2018 which was the effective vacancy date listed on the 10 Day Notice. I have used September 30, 2018 at 1:00 p.m. on the order of possession as the landlord agent confirmed that money has been paid by the tenant for use and occupancy of the rental unit for the month of September 2018.

Conclusion

The tenant's application is dismissed as the tenant failed to attend the hearing as scheduled.

The tenancy ended on August 18, 2018 which is the effective vacancy date listed on the 10 Day Notice.

The landlord has been granted an order of possession effective September 30, 2018 at 1:00 p.m. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: September 28, 2018

Residential Tenancy Branch