



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, AS, MNDCT

Introduction

This hearing was scheduled for 11:00 a.m. on this date, via teleconference call, to deal with the tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent; for orders for compliance; authorization to assign or sublet; and, monetary compensation for damages or loss under the Act, regulations or tenancy agreement.

The landlord appeared at the hearing; however, there was no appearance on part of the tenants. I confirmed that the correct telephone number and passcode appeared on the Notice of Hearing and that no other persons connected to the teleconference call except for me, the landlord and the persons assisting the landlord.

Since the tenants failed to appear at the hearing, I dismissed their application without leave to reapply.

The landlord confirmed that the tenants continue to occupy the rental unit and she requested an Order of Possession.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

In filing their Application for Dispute Resolution the tenants provided a copy of a 10 Day Notice to End Tenancy for Unpaid Rent dated December 3, 2018 ("10 Day Notice"). The 10 Day Notice is in the approved form and duly completed. The 10 Day Notice indicates the tenants failed to pay \$98.00 in rent that was due on December 1, 2018 and has a stated effective date of December 13, 2018.

The landlord testified that the tenants never did pay the \$98.00 shortfall in rent for December 2018 and did not pay any monies to the landlord for January 2019 yet they continue to occupy the rental unit.

Analysis

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

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.

Upon review of the 10 Day Notice provided to me by the tenants, I am satisfied that it meets the form and content requirements of section 52 of the Act as it is in the approved form and is duly completed. I accept the unopposed evidence before me that the 10 Day Notice was not nullified by payment of the outstanding rent. The tenants filed not dispute the 10 Day Notice; however, I have dismissed the tenants' application to cancel the 10 Day Notice due to their failure to appear at the hearing. Accordingly, I find the criteria of section 55(1) have been met and the landlord is entitled to an Order of Possession.

Provided to the landlord with this decision is an Order of Possession effective two (2) days after service upon the tenants.

Conclusion

The tenants' application has been dismissed without leave to reapply.

The landlord is provided an Order of Possession effective two (2) days after service upon the tenants.

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: January 15, 2019

Residential Tenancy Branch