



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAXSAVE REAL ESTATE SERVICES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, CNR, FFT, OLC, PSF

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed January 4, 2019, wherein the Tenant sought the following relief:

- to cancel a Notice to End Tenancy for Unpaid Rent or Utilities issued on January 2, 2019 (the "Notice");
- to cancel a 2 Month Notice to End Tenancy for Landlord's Use;
- an Order that the Landlord:
 - comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*; and,
 - provide services or facilities; and
- recovery of the filing fee paid for the Application.

The matter was set for hearing by telephone conference call at 9:30 a.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Landlord's representative L.S.

Analysis and Conclusion

The Landlord's representative confirmed that the Tenant was not served with a 2 Month Notice to End Tenancy for Landlord's Use, but was served with multiple 10 Day Notices for unpaid rent. The most recent Notice was issued on January 2, 2019 and served on the Tenant by posting to the rental unit door on that date.

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

Commencement of Hearing:

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

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.

As the Applicant Tenant did not attend the hearing, and the Respondent Landlord appeared and was ready to proceed, I dismiss the Tenant's claim without leave to reapply. This includes dismissing her request that I cancel the Notice. As such, the tenancy shall end in accordance with the Notice.

Section 55 of the *Residential Tenancy Act* provides in part as follows:

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.

I have reviewed the Notice and confirm it complies with section 52 of the *Act*. Consequently, and as I have dismissed the Tenant's claim, the Landlord is entitled to an Order of Possession effective two days after service.

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: February 12, 2019

Residential Tenancy Branch