Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was scheduled in response to the tenant's application pursuant to the *Residential Tenancy Act* (the *"Act")* for:

- cancellation of the landlord's 10 Day Notice pursuant to section 46.

The tenant did not participate in the conference call hearing, which lasted approximately 10 minutes. The landlord's two agents (collectively the "landlord") attended the hearing. The landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed they are agents of the landlord's company named in this application, and had authority to speak on its behalf

Because the tenant failed to attend the hearing and present his claim, I dismiss the tenant's claim without leave to reapply. Section 55 of the *Act* establishes that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

As per the submitted tenancy agreement and testimony of the landlord, the tenancy began on August 1, ~~2018~~ 2008 on a month to month basis. Rent in the amount of $955.00 is payable on the first of each month. The tenant remitted a security deposit in the amount of $350.00 at the start of the tenancy, which the landlord still retains in trust. The tenant continues to reside in the rental unit.

The landlord testified that the tenant was served with the 10 Day Notice on January 8, 2019, by way of posting. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was deemed served with the 10 Day Notice on January 11, 2019, three days after its posting.

Analysis

Section 52 of the *Act* provides that a notice to end tenancy from a landlord must be in writing and 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.

Based on the landlord's testimony and the 10 Day Notice before me, I find the 10 Day Notice complies in form and content. As the 10 Day Notice complies in form and content and as the tenant's application has been dismissed I find that the landlord is entitled to an order of possession, pursuant to section 55 of the *Act*.

Conclusion

The tenant's application is dismissed without leave to reapply.

An order of possession is granted to the landlord effective **two (2) days after service on the tenant**.

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: February 22, 2019

Residential Tenancy Branch