



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Dispute Codes CNR, ERP, MNDC, PSF, RP, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act (the “Act”) to cancel two 10 Day Notices to End Tenancy for Unpaid Rent or Utilities, issued on January 9, 2019 and January 23, 2019; to have the landlord make emergency repairs for health and safety issue; for repairs to the unit; to reduce rent for repairs; to have the landlord provide services or facilities ; for a monetary order for money owed or other money loss; and to recover the cost of the filing fee from the landlord.

This 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. Therefore, as the tenant did not attend the hearing by 9:40 A.M, and the landlord appeared and was ready to proceed, I dismiss the tenant’s application **without leave to reapply**.

Further, the landlord indicated that the tenant has not paid rent for January and February 2019.

Section 55(1) 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.

I have reviewed the notices to end tenancy, I find the notices to end tenancy complies with section 52 of the Act. Further, the tenant has not paid rent as required by section 26 of the Act. A tenant cannot withhold rent simply because they feel justified to do so.

As I have dismissed the tenant's application, pursuant to section 55 of the Act I must grant the landlord an order of possession of the rental unit.

Therefore, I find that the landlord is entitled to an order of possession effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court. The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

Conclusion

The tenant's application is dismissed. The landlord is granted an order of possession.

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 26, 2019

Residential Tenancy Branch