



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BHUSHAN SINGLA HOMES (2005)  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR LRE RP

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the "Ten-Day Notice") pursuant to section 46;
- an order to the landlord to make repairs to the rental unit pursuant to sections 32 and 62; and
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70; and,

The landlord's representative, B.S. and the landlord's agent, A.W. attended the hearing on behalf of the landlord. The landlord had full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions.

The tenant did not attend the hearing. I kept the teleconference line open from the scheduled hearing time for ten minutes to allow the tenant the opportunity to call. The teleconference system indicated only the landlord's representatives and I had called into the hearing. I confirmed the correct participant code was provided to the tenant.

Preliminary Matter – Non-Appearance of Tenant at the Hearing

The applicant tenant did not appear at the hearing. Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* provides as follows:

7.3 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 reapply.

As the applicant tenants did not attend the hearing, and in the absence of any evidence or submissions, I order the tenant's application be dismissed without leave to reapply.

Issue(s) to be Decided

Is the landlord entitled to an order of possession pursuant to section 55 of the *Act*?

Background and Evidence

The landlord testified that the tenancy commenced on October 1, 2018 and the tenant was obligated to pay \$1,600.00 on the first day of each month. The tenant paid a \$800.00 security deposit.

The landlord testified that they issued the Ten-Day Notice on March 4, 2019 and posted the notice on the tenant's door the same day. The Ten-Day Notice stated that there was unpaid rent of \$1,600.00 as of March 1, 2019. The landlord testified that the tenant has not paid any rent since the Ten-Day Notice was issued.

Analysis

The tenant has made an application to cancel the landlord's Ten-Day Notice and that application has been dismissed. Section 55 of the *Act* states that when a tenant's application to cancel a notice to end tenancy for cause is dismissed, I must grant the landlord an order of possession if the landlord has issued a notice to end tenancy in compliance with the *Act*.

I find the form and content of the Ten-Day Notice does comply with section 52 of the *Act*. Accordingly, I find the landlord is entitled to an order of possession effective two days after service on the tenant.

Conclusion

I order the tenant's application be dismissed without leave to reapply.

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order, the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: May 1, 2019

---

Residential Tenancy Branch