



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, MNDC, OLC, MNSD, FF

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the 10 day Notice to End Tenancy dated June 4, 2019
- b. An order disputing a rent increase that is above the amount allowed by law.
- c. An order for a monetary order in the sum of \$5280.
- d. An order for more time to make tis application.
- e. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.
- f. An order for repairs.

The tenant(s) failed to appear at the scheduled start of the hearing which was 11:00 a.m. on July 30, 2019. The landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The tenant(s) failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was personally served on the Tenants on June 4, 2019. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the tenants was sufficiently served on the landlord. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the 10 day Notice to End Tenancy dated June 4, 2019?

- b. Whether the tenants are entitled to an order disputing a rent increase that is above the amount allowed by law.
- c. Whether the tenants are entitled to an order for a monetary order in the sum of \$5280.
- d. Whether the tenants are entitled to an order for more time to make tis application.
- e. Whether the tenants are entitled to an order that the landlord comply with the Act, Regulations and/or tenancy agreement.
- f. Whether the tenants are entitled to an order for repairs.

Background and Evidence:

The tenancy at this location began in 2012. The landlord reduced the rent for a period of time but in 2018 he restored rent to the previous amount. The present rent is \$1350.

The tenants failed to pay the rent for April 2019 (\$500 is owed), May 2019 \$1350 is owed, June 2019 (\$1350 is owed) and July 2019 (\$1350 is owed).

The landlord served a 10 day Notice to End Tenancy on the Tenants in person on June 4, 2019.

Analysis:

Rule 7.3 of the 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 re-apply.

The Applicants failed to appear at the hearing. The Respondent was present. **As a result I ordered that all of the claims in the application dismissed without liberty to reapply.**

Application to cancel the 10 day Notice to End Tenancy::

After carefully considering all of the evidence I determined that the landlord has established sufficient cause to end the tenancy. I determined there was outstanding rent when the 10 day Notice to End Tenancy was served on the Tenants. The Tenants failed to pay the rent within the 5 days that would void the Notice to End Tenancy.

The tenants failed to file an Application for Dispute Resolution with 5 days to dispute the Notice to End Tenancy. The tenants failed to provide sufficient evidence to provide grounds there are extraordinary circumstances to grant an extension of time to file this Application. There is outstanding rent. The landlord used the approved form. As a result I dismissed the tenant's application to cancel the 10 day Notice to End Tenancy. I order that the tenancy shall end on the date set out in the Notice.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. The landlord has used the approved government form. As a result I granted the landlord an Order for Possession on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Conclusion:

I dismissed all of the tenants' claims set out in the Application for Dispute Resolution without leave to re-apply. I granted an Order of Possession on 2 days notice.

This decision is final and binding on the parties.

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: July 30, 2019

Residential Tenancy Branch