



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR MT

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; and
- more time to make an application to cancel the landlord's Ten-Day Notice pursuant to section 66.

The landlord attended the hearing. The landlord had full opportunity to provide affirmed testimony, present evidence, and make submissions.

The tenant did not attend the hearing. I kept the teleconference line open from the scheduled hearing time at 11:00 a.m. until 11:10 a.m. to allow the tenant the opportunity to call. The teleconference system indicated only the landlord and I had called into the hearing. I confirmed the correct participant code was provided to the landlord.

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 tenant 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 re-file.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for non-payment of rent pursuant to section 55?

Background and Evidence

The landlord testified that the monthly rent was \$1,500.00, payable on the first day of each month. The landlord testified that the tenant had accrued rent arrears of \$1,625.00 by October 2, 2019.

The landlord testified that they posted the Ten-Day Notice on the tenant's door on October 2, 2019. The notice claimed outstanding rent of \$1,625.00. The landlord provided a copy of the Ten-Day Notice after the hearing.

The landlord testified that the tenant has not paid any rent to the landlord since the Ten-Day Notice was issued. The landlord is requesting an order of possession.

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*. Further, based on the undisputed testimony of the landlord, I find that the tenant owed \$1,625.00 in unpaid rent as of October 2, 2019 and the tenant did not pay this sum to the landlord.

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 applications 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: November 09, 2019

Residential Tenancy Branch