



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes**      CNC CNR FFT LRE MNRT OLC RP RR

### **Introduction**

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

- cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order requiring the landlords to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- an order to suspend or set conditions on the landlords' right to enter the rental unit pursuant to section 70;
- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- an order to the landlords to make repairs to the rental unit pursuant to section 33;
- a monetary order for compensation for money owed under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application from the landlords, pursuant to section 72 of the *Act*.

The landlord JS attended the hearing at 9:30 a.m., while the landlord DS joined the hearing at 9:40 a.m. While the landlords attended the hearing by way of conference call, the tenant did not. I waited until 9:41 a.m. to enable the tenant to participate in this scheduled hearing for 9:30 am. The landlords were given a full opportunity to be heard, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the landlords and I were the only ones who had called into this teleconference.

The landlords confirmed receipt of the tenant's application for dispute resolution hearing package ("Application") and evidence. In accordance with sections 88 and 89 of the *Act*, I find that the landlords were duly served copies of the tenant's application.

The landlords testified that the tenant was served with a 10 Day Notice on September 9, 2019 by way of posting the 10 Day Notice on the tenant's door. The landlords testified that the tenant was also personally served with a 1 Month Notice on September 9, 2019. In accordance with sections 88 and 90 of the *Act*, I find the tenant deemed served with the 10 Day Notice on September 12, 2019, 3 days after posting. In accordance with section 88 of the *Act*, I find the tenant also duly served with the 1 Month Notice on September 9, 2019.

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.

**In the absence of any submissions from the tenant in this hearing, I order the tenants' entire application dismissed without liberty to reapply.**

### **Issues**

Are the landlords entitled to an Order of Possession?

### **Background and Evidence**

This month-to-month tenancy began on July 1, 2016, with monthly rent current set at \$900.00, payable on the first of every month. No security deposit was ever collected for this tenancy. The tenant continues to reside in the rental suite.

The landlords issued the 1 Month Notice to end tenancy providing the following grounds:

1. The tenant or a person permitted on the property by the tenants have put the landlord's property at significant risk.

The landlords also issued the tenants a 10 Day Notice for Unpaid Rent on September 9, 2019 as the tenant had failed to pay the outstanding rent. The landlords testified that the tenant failed to pay the entire monthly rent for May 2019, \$200.00 for June 2019, \$70.00 for July 2019, and the entire monthly rent for November 2019. The landlords testified that they never authorized any rent reductions for this tenancy.

### **Analysis**

Section 55(1) of the *Act* reads as follows:

**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 find that the 10 Day Notice complies with section 52 of the *Act*. Based on my decision to dismiss the tenant's application for dispute resolution and pursuant to section 55(1) of the *Act*, I find that this tenancy ended on the corrected, effective date of the 10 Day Notice, November 22, 2019. I find that the landlords are entitled to a 2 day Order of Possession. The landlords will be given a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit within the 2 days required, the landlords may enforce this Order in the Supreme Court of British Columbia.

### **Conclusion**

I dismiss the tenant's entire application without leave to reapply.

I grant an Order of Possession to the landlords effective **two (2) days after service on the tenants**. Should the tenants or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: December 2, 2019

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Residential Tenancy Branch