



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Canadian General Properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution under the Residential Tenancy Act (Act). The tenant applied for an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord.

The hearing began at 11:00 a.m. Pacific Time on Tuesday, April 21, 2020, as scheduled and the telephone system remained open and was monitored for 15 minutes. During this time, the tenant did not call into the hearing; however, the landlord's agent (landlord) attended and announced that she was ready to proceed.

I continued the hearing for 15 minutes, in order to allow the tenant to call into the hearing and to hear affirmed testimony from the landlord.

During the hearing, the landlord submitted that she served the tenant with the Notice, by personal service, on February 28, 2020. The landlord confirmed the amount listed was for unpaid rent for part of January and all of February 2020.

The landlord submitted further that since the Notice was issued, the tenant has not paid any rent, through the day of the hearing, despite being duly served the Notice on February 28, 2020.

As another procedural matter, the respondent here is the building manager and acts for the corporate landlord as agent.

I find it necessary to amend the landlord's application to also reflect the name of the corporate landlord shown on the written tenancy agreement submitted by the landlord.

Analysis and Conclusion

I have reviewed the Notice and find it complies with section 52 *[form and content of notice to end tenancy]*.

In the absence of the tenant to present her application, pursuant to section 7.3 of the Residential Tenancy Branch Rules of Procedure (Rules), I dismiss the tenant's application. As the respondent/landlord attended and was ready to proceed, I dismiss the tenant's application seeking cancellation of the Notice, without leave to reapply.

As I have dismissed the tenant's application, I must grant an order of possession of the rental unit to the landlord, pursuant to section 55(1)(b) of the Act.

As such, I find that the landlord is entitled to and I therefore grant them an order of possession for the rental unit effective 2 days after service upon the tenant, pursuant to section 55(1)(b) of the Act. The order of possession is included with the landlord's Decision.

Should the tenant fail to vacate the rental unit pursuant to the terms of the order after it has been served upon them, this order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court.

The tenant is advised that costs of such enforcement, such as bailiff fees, are recoverable from the tenant.

Although I have ordered the tenancy will end pursuant to section 46 and 55(1)(b) of the Act, Ministerial Order M089 issued March 30, 2020, pursuant to the State of Emergency declared on March 18, 2020, prohibits the enforcement of certain Residential Tenancy Branch orders made during the state of emergency. Enforcement of other Residential Tenancy Branch orders may be affected by the suspension of regular court operations of the BC Supreme Court and Provincial Court.

I advise the tenant of the following taken from the Residential Tenancy Branch (RTB) website:

Tenants should pay rent wherever possible. The legislation still requires that tenants pay rent in full and on time.

- **The state of emergency temporarily suspends a landlord's ability to end a tenancy if a tenant does not pay the rent in full and on time.**

- **A tenant who has not paid rent could face eviction once the state of emergency is over.**

Conclusion

The tenant's application is dismissed, without leave to reapply, due to her failure to attend the hearing seeking cancellation of the Notice.

The landlord has been issued an order of possession for the rental unit, effective 2 days after it has been served on the tenant.

The order of possession of the rental unit will become enforceable as noted above.

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: April 21, 2020

Residential Tenancy Branch