



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act (the “Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on March 11, 2020.

The landlord appeared. The landlord stated that the tenant was arrested on April 19, 2020, for threatening the landlord’s agent. The landlord stated they are not sure if the tenant will attend or have someone attend on their behalf.

This matter was set for hearing by telephone conference call at 9:30 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord.

### Issue to be Decided

Should the Notice be cancelled?

### Background, Evidence and Analysis

Although the tenant made an application to dispute the Notice, the tenant did not attend the hearing. When the applicant does not attend a hearing that was convened at their request, it has the same results as if they never made the application. Therefore, I dismiss the tenant’s application without leave to reapply as any further application to cancel the Notice would be outside the statutory time frame.

Since I have dismissed the tenant's application, I find it not necessary to consider the merits for ending the tenancy. However, I must determine whether the landlord has met the statutory requirements under the Act to end the tenancy.

I accept the evidence of the landlord that the Notice was completed in accordance with Part 4 of the Act; How to End a Tenancy, pursuant to section 46, of the Act. A copy of the Notice was filed in evidence for my review and consideration.

I find the Notice was completed in the proper form and meets the statutory requirements under section 52 the Act to the form and content.

I accept the evidence of the landlord that the tenant was served with the Notice in compliance with the service provisions under the Act, as the tenant acknowledged service of the Notice in their application.

I accept the evidence of the landlord that that tenant did not pay the outstanding rent and any subsequent rent since the Notice was issued and is currently in rent arrears of \$1,925.00.

I am satisfied based on the landlord's evidence that the landlord has met the statutory requirements under the Act on how to end a tenancy. The Notice was issued in the proper form and content in compliance section 52 of the Act and was served upon the tenant.

Since the tenant's application was dismissed, and I have found the landlord has met the statutory requirements under the Act to end the tenancy. I find the landlord is entitled to an order of possession pursuant to section 55 of the Act.

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

Therefore, I find that the landlord is entitled to an order of possession effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

***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.**

Conclusion

The tenant's application is dismissed. The landlord is granted an order of possession.

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 20, 2020

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Residential Tenancy Branch