



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, CNR, FF

### Introduction

This was a cross-application hearing for Dispute Resolution under the *Residential Tenancy Act* (“the Act”).

On September 7, 2020, the Tenants applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

On September 12, 2020, the Landlords applied for an order of possession for the rental unit based on the issuance of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

The matter was set for a conference call hearing. The Landlords attended the hearing; however, the Tenants did not. The line remained open while the phone system was monitored for ten minutes and the Tenants did not call into the hearing during this time. Since the Tenants did not attend the hearing to pursue their application to cancel the notice to end tenancy, their application is dismissed.

The hearing proceeded on the Landlords’ application. The Landlord testified that the Tenants were served with the Notice of Dispute Resolution Proceeding by registered mail sent on September 20, 2020 to the dispute address. The Landlord provided the registered mail receipt and tracking information as proof of service. I find that the Tenants were served with the notice of hearing in accordance with sections 89 and 90 of the Act.

The Landlord testified that the Tenants were served with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated September 2, 2020 (“the 10 Day Notice”). The 10 Day Notice indicates the Tenants have failed to pay \$1,700.00 that was due on September 1, 2020. The Landlords provided a copy of the 10 Day Notice.

The Landlords provided a copy of the tenancy agreement which indicates the Tenants are required to pay rent of \$1,700.00 each month and the Tenants paid a security deposit of \$850.00.

The Landlord testified that the Tenants vacated the rental unit on October 2, 2020. The Landlord testified that she does not require an order of possession for the rental unit.

### Analysis

Under section 55 of the Act, when a Tenants Application to cancel a notice to end tenancy is dismissed and I am satisfied that the notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession. I find that the 10 Day Notice complies with the requirements under the Act.

The Landlord declined her right to receive an order of possession for the rental unit.

Section 72 of the Act gives me authority to order the repayment of a fee for an application for dispute resolution. I order the Tenants to repay the \$100.00 fee that the Landlords paid to make application for dispute resolution. I authorize the Landlords to retain \$100.00 from the security deposit.

### Conclusion

The Tenants failed to attend the hearing to pursue their application to cancel the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated September 2, 2020.

The Landlords are entitled to an order of possession but declined their right to receive an order of possession for the rental unit.

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: October 27, 2020

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Residential Tenancy Branch