



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, LRE

Introduction and Preliminary 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) for:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord;
- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement; and
- an order suspending or setting conditions on the landlord's right to enter the rental unit.

The hearing began as scheduled at 1:30 p.m. Pacific Time on November 16, 2020, and the telephone system remained open and was monitored for 24 minutes.

During this time, the applicant/tenant did not dial into the telephone conference call hearing; however, the landlord was present and ready to proceed with the hearing.

During the hearing, the landlord confirmed that the tenant was served the Notice on October 2, 2020, by attaching it to the tenant's door, listing unpaid rent owed of \$1,400 as of October 1, 2020. The tenant filed a copy of the Notice and in his application, confirmed receiving it on that date.

The landlord confirmed that the tenant remains in the rental unit and has not paid monthly rent since the Notice was issued. The landlord requested an order of possession of the rental unit, as he was not certain the tenant would vacate the rental unit pursuant to their signed mutual agreement to end the tenancy by December 1, 2020.

The landlord also confirmed that the other listed applicant, SH, was the tenant's minor daughter. I have therefore excluded her from any further consideration in this matter.

Analysis and Conclusion

In the absence of the tenant to present his application, pursuant to section 7.3 of the Residential Tenancy Branch Rules of Procedure (Rules), and due to the attendance by the respondent/landlord, I dismiss the tenant's application, **without leave to reapply**.

Given the above and after reviewing a copy of the Notice, which had an effective vacancy date of October 15, 2020, and which I find complies with section 52 of the Act, pursuant to section 55(1) of the Act, I must grant an order of possession of the rental unit to the landlord.

I therefore **grant** the landlord **an order of possession** of the rental unit effective and **enforceable two (2) days after service on the tenant**.

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

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

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 16, 2020

Residential Tenancy Branch