



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MT

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). The tenants applied for an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord and an order extending the time to file an application disputing the Notice issued by the landlord.

The hearing began as scheduled at 11:00 a.m. Pacific Time on January 29, 2021, 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 landlords and landlord's agents, who hold powers of attorney, were present and ready to proceed with the hearing.

During the hearing, the landlord's agent, SD, confirmed that the tenant was served the Notice on October 26, 2020, by attaching it to the tenant's door frame, listing unpaid rent owed of \$1,800 as of October 1, 2020. The landlord filed a copy of the Notice as well as a photograph showing the Notice attached.

The tenant, in her application, confirmed receiving the Notice on October 26, 2020.

The landlord's agents 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, due to the non-payment of the monthly rent owed by the tenant since October 2020.

I have also removed the name of the other listed applicant, KD, from any further consideration in this matter, as the evidence showed that he is the child of the tenant.

Analysis and Conclusion

In the absence of the tenant to present her application, pursuant to section 7.3 of the Residential Tenancy Branch Rules of Procedure (Rules), and due to the attendance by the respondent/landlord and representatives, 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 November 7, 2020, and which I find complies with section 52 of the Act as to form and content, 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 and her agents (attorneys) 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, **including 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: January 29, 2021

Residential Tenancy Branch