



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding REGAL EIGHTY MANAGEMENT  
CORP and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      Landlord: OPR FF  
Tenant: CNR MNDC DRI

### Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on June 15, 2021.

### *Tenant's application*

The Landlord (respondent) attended the hearing. However, the Tenants (applicants) did not. The hearing was by telephone conference and began promptly, as scheduled, at 11:00 AM Pacific Time on June 15, 2021, as per the Notice of a Dispute Resolution Hearing provided to the Tenant. The line remained open while the phone system was monitored for 15 minutes and the only participant who called into the hearing during this time was the respondent Landlord who was ready to proceed. The Landlord testified that the Tenants continues to occupy the rental unit and only pay a portion of rent each month. The Landlord stated that the Tenants' accumulated debt is growing by \$150.00 per month, as this is the amount they are short each month, since November 2020.

After the ten minute waiting period, the Tenant's application was **dismissed in full, without leave to reapply**.

Section 55 of the *Act* applies and states:

### **Order of possession for the landlord**

**55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, **the director must grant to the landlord an order of possession of the rental unit if**

(a) **the landlord's notice to end tenancy complies with section 52 *[form and content of notice to end tenancy]*, and**

(b) **the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.**

[My emphasis added]

Under section 55 of the *Act*, when a Tenant's 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, I must grant the Landlord an order of possession. Section 52 of the *Act* requires that any notice to end tenancy issued by a landlord must be signed and dated by the landlord, give the address of the rental unit, state the effective date of the notice, state the grounds for ending the tenancy, and be in the approved form.

I accept that the undisputed testimony that the Tenants are falling behind \$150.00 per month and did not pay all outstanding rent within 5 days of receiving the 10 Day Notice in March 2021. I find that the Notice issued by the Landlord on March 5, 2021, meets the requirements for form and content and the Landlord is entitled to an order of possession, effective 2 days after it is served on the Tenants.

#### *Landlord's application*

The Landlord applied for an order of possession, based off the 10 Day Notice issued in March. However, as laid out above, the Landlord is already granted an order of possession based off this Notice pursuant to section 55 of the *Act*. The Landlord stated they did not wish to obtain a monetary order and just want the order of possession. I dismiss the Landlord's application, without leave, as an order of possession was already issued above.

#### Conclusion

The Tenants' application has been dismissed in full, without leave to reapply as the Tenants failed to attend the hearing.

The Landlord is granted an order of possession effective **two days after service** on the Tenants. This order must be served on the Tenants. If the Tenants fail to comply with

this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: June 15, 2021

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Residential Tenancy Branch