



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT limited partnership
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR CNC

Introduction

This hearing dealt with the tenant(s)' applications pursuant to the *Residential Tenancy Act* ("the Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- cancellation of the landlord's 1 Month Notices to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

While the landlord's agent, RS, attended the hearing by way of conference call, the tenant(s) did not. I waited until 9:40 a.m. to enable the tenant(s) to participate in this scheduled hearing for 9:30 a.m. The landlord's agent was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the landlord's agent and I were the only ones who had called into this teleconference.

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply

Accordingly, **in the absence of any submissions in this hearing from the tenant(s), I order the tenant(s)' applications dismissed without leave to reapply.**

Section 55(1) of the *Act* reads as follows:

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.

The landlord's agent confirmed in the hearing that the tenant RP was served with two, 2 Month Notices for Unpaid Rent on March 9, 2021 and March 26, 2021, which were posted on the tenants' door. The tenant RP was also served with a 10 Day Notice to End Tenancy for Unpaid Rent on April 5, 2021, which was posted on the tenant's door. In accordance with sections 88 and 90 of the *Act*, I find the tenant deemed served with these notices 3 days after they were posted. The tenant(s) filed applications disputing all three notices.

The landlord testified that the tenant RP was served with the 10 Day Notice for Unpaid Rent for failing to pay \$2,050.00 in monthly rent, which is due on the first of every month for this fixed-term tenancy. The landlord testified that the tenant has not made any rent payments since the 10 Day Notice was served on the tenant, nor has the tenant moved out.

I find that the 10 Day Notice dated April 5, 2021 complies with section 52 of the *Act*. Based on my decision to dismiss the tenant(s)' applications for dispute resolution and pursuant to section 55(1) of the *Act*, and as the effective date of the 10 Day Notice has passed, I find that the landlord is entitled to a 2 day Order of Possession. The landlord will be given a formal Order of Possession which must be served on the tenant(s). If the tenant(s) do not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Conclusion

I dismiss the tenants' applications without leave to reapply.

I grant an Order of Possession to the landlord effective **two (2) days after service on the tenants**. Should the tenant(s) or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 22, 2021

Residential Tenancy Branch