



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNE, CNR, OLC, PSF, LRE, AAT

### Introduction

This hearing dealt with an Application for Dispute Resolution (application) by the tenant seeking remedy under the *Residential Tenancy Act* (Act) to cancel a 1 Month Notice, a 10 Day Notice, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, for an order directing the landlord to provide services or facilities, for an order to suspend or set conditions on the landlord's right to enter the rental unit, and for an order directing the landlord to allow access to the rental unit.

The tenant was provided with a copy of 4 Notices of a Dispute Resolution Proceeding dated (Notices of Hearing) when they made their 4 applications, of which were joined into one hearing. The tenant, however, did not attend the hearing set for this date, July 20, 2021 at 9:30 a.m. Pacific Standard Time. The phone line remained open for 34 minutes and was monitored throughout this time. The only person to call into the hearing was landlord LM (landlord), who was ready to proceed.

### Preliminary and Procedural Matters

The landlord was informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The landlord was also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the landlord was informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. The landlord had no questions about my direction pursuant to RTB Rule 6.11.

In addition, the landlord confirmed their email address and was advised that the decision and any applicable orders would be emailed to them.

In addition, the landlord requested unpaid rent of \$3,600.00 comprised of \$1,200.00 owing for May, June and July of 2021 as the landlord affirmed that the tenant was evicted on July 8, 2021 via bailiffs after an Order of Possession was granted at a previous hearing dated June 15, 2021 and a later Writ of Possession from the Supreme Court dated June 25, 2021. The landlord confirmed that they have already received a monetary order for unpaid April 2021 rent.

### Analysis

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 7.1 and 7.3 apply and state:

#### **7.1 Commencement of the dispute resolution hearing**

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

#### **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.

Given the above and following the 10-minute waiting period, the application of the tenant was **dismissed without leave to reapply**. This decision does not extend any applicable time limits under the Act. The respondent attended the hearing, yet the applicant tenant did not attend the hearing to present the merits of their application.

As the filing fee was already waived, it is not granted.

Section 55(1.1) of the Act applies and states:

55(1.1) If an application referred to in subsection (1) is in relation to a landlord's notice to end a tenancy under section 46 [*landlord's notice: non-payment of rent*], and the circumstances referred to in subsection (1) (a) and (b) of this section apply, **the director must grant an order requiring the payment of the unpaid rent.**

[Emphasis added]

Pursuant to section 55(1.1) of the Act, I grant the landlord **\$3,600.00** for unpaid rent of May, June and July 2021 as monthly rent was \$1,200.00 and the tenant did not vacate until forcibly evicted by bailiffs with a lawful Writ of Possession on July 8, 2021.

Conclusion

The application is dismissed in full without leave to reapply.

The landlord is granted a monetary order of \$3,600.00 for unpaid rent of \$1,200.00 per month for May, June and July of 2021. The monetary order will be emailed to the landlord only for service on the tenant, if necessary. Should the landlord require enforcement of the monetary order, the order must be first served on the tenant with a demand for payment letter and may be filed in the Provincial Court (Small Claims) and enforced as an order of that court. I caution the tenant that they can be held liable for all costs related to enforcement of the monetary order.

This decision will be emailed to both parties at the email addresses confirmed by the owner and the email address for the tenant provided in the tenant's application.

The monetary order will be emailed to the landlord only for service on the tenant.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: July 20, 2021

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Residential Tenancy Branch