



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0896572 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC CNR-MT

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The Tenant applied to cancel a One Month Notice to End Tenancy, and a 10 Day Notice to End Tenancy, pursuant to the *Residential Tenancy Act* (the "Act").

The Landlord (respondent) attended the hearing. However, the Tenant (applicant) did not. The hearing was by telephone conference and began promptly, as scheduled, at 9:30 am Pacific Time on August 19, 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 10 minutes and the only participant who called into the hearing during this time was the respondent Landlord who was ready to proceed.

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

The Landlord testified that the Tenant continues to occupy the rental unit. The Landlord further testified that he is seeking to end the tenancy because the Tenant has been late paying rent 13 times in the last 15 months. The Landlord explained that he has also issued 8 10 Day Notices, one for each month the rent has been paid late. The Landlord was only seeking an order of possession for this hearing, based off the 1 Month Notice to End Tenancy for Cause (for repeated late payment of rent), as he is pursuing the unpaid rent via Direct Request, which he has already filed. I accept this undisputed testimony along with the 1 Month and the 10 Day Notice to End Tenancy, provided into evidence.

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 find that the 1 Month Notice to End Tenancy for Cause, issued on April 7, 2021, issued by the Landlord meets the requirements for form and content and the Landlord is entitled to an order of possession, effective 2 days after service on the Tenant.

Given my findings thus far, it is not necessary to consider the Tenant's application to cancel the 10 Day Notice issued in April 2021.

Conclusion

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

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails 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: August 19, 2021

Residential Tenancy Branch