



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Canadian Mental Health Association and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, CNC, CNQ, LRE, OLC, LAT

Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (10 Day Notice) issued by the landlord;
- an order cancelling the One Month Notice to End Tenancy for Cause (One Month Notice) issued by the landlord;
- an order cancelling the Two Month Notice to End Tenancy Because Tenant Does Not Qualify for Subsidized Rental Unit (Two Month Notice);
- an order suspending or setting conditions on the landlord's right to enter the rental unit;
- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement;
- authorization to change the locks to the rental unit.

The hearing began as scheduled at 9:30 a.m., Pacific Time, on Monday, December 20, 2021, and the telephone system remained open and was monitored for 13 minutes. During this time, the applicant/tenant did not dial into the telephone conference call hearing; however, the landlord's agents (landlord) were present and ready to proceed with the hearing.

The landlords were informed that recording of Residential Tenancy Branch (RTB) hearings were prohibited and both affirmed they were not recording the hearing.

In speaking with the landlords, it was determined that the party listed by the tenant as landlord was an agent. I find it necessary to amend the tenant's application by adding the name of the actual landlord. That name is reflected on the style of cause page of this Decision.

During the hearing, the landlord confirmed they received the tenant's application for dispute resolution by personal service. They also confirmed they require an order of possession for the rental unit due to the tenant ceasing to qualify for subsidized housing as presented on the Notice.

While waiting for the tenant to appear, the landlords were affirmed and gave evidence in support of the landlord's Notice. The Notice, filed in evidence by the landlord, was dated July 26, 2021, with an effective move out date of September 30, 2021.

The landlord submitted without dispute that they served the Notice to the tenant by attaching it to the tenant's door on July 26, 2021.

The landlords confirmed that they did not serve the tenant with a 10 Day Notice and there were no issues regarding unpaid rent.

Analysis

Rules 7.3 and 7.4 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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the tenant, **I order the tenant's application dismissed, without leave to reapply.**

Upon review, I find the Notice was on the RTB approved form with content meeting the statutory requirements under section 52 the Act.

Given the above, 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 an order of possession of the rental unit effective and enforceable two (2) days after service on the tenant, as the effective move-out date has passed.

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.

Conclusion

The tenant's application is dismissed **without leave to reapply**. The landlord has met the statutory requirements to end the tenancy and is granted an order of possession of the rental unit, effective two days after service on 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*. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: December 20, 2021

Residential Tenancy Branch