



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pacific quorum properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **CNR-MT, FFT**

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for:

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice") pursuant to section 66;
- cancellation of a 10 Day Notice pursuant to section 46;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

This matter was set for hearing by telephone conference call at 9:30 am on this date. The line remained open while the phone system was monitored for ten minutes and the only participants who called into the hearing during this time were the agents of the corporate respondent.

At the outset of the hearing the landlords corrected a typographic error in their name as provided on the application. The corrected name is used in this decision and accompanying Order.

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 reapply.

Therefore, as the applicants did not attend the hearing, and the respondent was represented and ready to proceed, I dismiss the claim without leave to reapply.

Section 55 of the *Act* provides that:

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.

I have dismissed the tenants' application, and I find that the 10 Day Notice submitted into evidence by the tenants complies with the form and content requirements of section 52 as it is signed and dated by an agent of the corporate landlord, provides the address of the rental unit, the effective date of the notice, and the grounds for the tenancy to end.

I accept the undisputed evidence of the landlord that monthly rent for this tenancy is \$2,644.50. I accept the undisputed submission of the landlord that the tenants failed to pay rent as required and there was an arrear of \$10,568.00 as at November 10, 2021 giving rise to the issuance of the 10 Day Notice.

I accept the undisputed evidence of the landlord that the tenants have not paid the arrear in full within 5 days of the date of service of the 10 Day Notice or at all.

I therefore find that the landlord is entitled to an Order of Possession pursuant to section 55. As the effective date of the notice has passed, I issue an Order of Possession effective two (2) days after service.

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: February 4, 2022

Residential Tenancy Branch