



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAMRE HOLDINGS INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes Tenant application #1: CNC, OLC, FF
Tenant application #2: CNR, CNC, FF

Introduction, Preliminary and Procedural Matters –

This telephone conference call hearing was convened as the result of the tenant's two applications for dispute resolution seeking remedy under the Residential Tenancy Act (Act). The tenant first applied 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 requiring the landlord to comply with the Act, regulations, or tenancy agreement, and recovery of the cost of the filing fee.

The tenant then filed a subsequent application for dispute resolution for an order cancelling another 10 Day Notice, an order cancelling the One Month Notice to End Tenancy for Cause (1 Month Notice) issued by the landlord, and recovery of the cost of the filing fee.

The files were administratively joined by the Residential Tenancy Branch (RTB) as repeated applications, set for the same time and date.

The hearing began as scheduled at 11:00 a.m. Pacific Time on Tuesday, August 30, 2022 and the telephone system remained open and was monitored for 15 minutes.

During this time, the applicant/tenant did not dial into the telephone conference call hearing; however, the landlord was present.

The landlord was affirmed and provided his testimony.

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 at the hearing, **I order the tenant's two applications dismissed, without leave to reapply.**

Issue(s) to be Decided

Is the landlord entitled to an order of possession of the rental unit and a monetary order consisting of unpaid monthly rent?

Background and Evidence

The tenancy began on February 8, 2022, and monthly rent is \$2,200.

The landlord submitted evidence for the first application, but no evidence for the other application.

Filed in evidence by the tenant was the 10 Day Notice, dated June 2, 2022, listing an effective move-out date of June 15, 2022, and unpaid rent of \$2,200 owed as of June 1, 2022.

The landlord submitted that the tenant did not pay the monthly rent for June 2022 and vacated the rental unit around July 15, 2022. The landlord submitted that he received an order of possession of the rental unit and a monetary order for \$2,200 for the unpaid June 2022 rent, through his application for dispute resolution via the ex-parte, direct

request proceeding. The landlord submitted copies of the monetary order and order of possession, both dated July 14, 2022.

The landlord submitted that the tenant did not pay the monthly rent of \$2,200 for July 2022, and owes that amount, and requested this compensation from the tenant.

Analysis and Conclusion

I have reviewed the landlord's 10 Day Notice and find it complies with section 52 of the Act as to form and content.

As the landlord previously received an order of possession of the rental unit and a monetary order of \$2,200 for the June 2022, rent, those matters are now moot.

As to the unpaid rent for July 2022, I find that the landlord submitted sufficient, undisputed evidence to show that the tenant owed but did not pay the monthly rent of \$2,200 for July 2022, prior to vacating on or about July 15, 2022.

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 order the tenant to pay the landlord the amount of \$2,200, which is the total amount of unpaid monthly rent owing through the month of July 2022.

As a result, I grant the landlord a monetary order for the amount of \$2,200.

Should the tenant fail to pay the landlord this amount without delay after being served the order, the order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an order of that Court.

The tenant is **cautioned** that costs of such enforcement are recoverable from the tenant.

Conclusion

The tenant's two applications are dismissed without leave to reapply as they failed to attend the hearing to submit evidence.

Due to the dismissal of the tenant's two applications for dispute resolution, the landlord has been granted a monetary order in the amount of \$2,200 for the unpaid rent for the month of July 2022.

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(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: August 30, 2022

Residential Tenancy Branch