



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT

This hearing was convened as a result of the Tenant's Application for Dispute Resolution made on July 19, 2022. The Tenant applied for the following relief, pursuant to the Residential Tenancy Act (the Act):

- an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated July 14, 2022 (the 10 Day Notice); and
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by AC and JS, agents, who provided affirmed testimony. The Tenant did not attend the hearing. Therefore, as the Tenant did not attend the hearing at the appointed date and time, I find that the Tenant's application is dismissed without leave to reapply.

Section 55(1) of the Act confirms that when a tenant's application to cancel a notice to end tenancy is dismissed and the notice to end tenancy complies with the form and content requirements of section 52 of the Act, the director must grant to the landlord an order of possession of the rental unit.

As noted above, the Tenant's application to cancel the 10 Day Notice is dismissed without leave to reapply. In addition, on examination of the 10 Day Notice submitted into evidence, I find it complies with the form and content requirements of section 52 of the Act. Specifically, it is signed and dated, gives the address of the rental unit, states the effective date, states the grounds for ending the tenancy, and is in the approved form.

Pursuant to section 55(1) of the Act, I grant the Landlord an order of possession which will be effective two days after it is served on the Tenant. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

Further, section 55(1.1) of the Act confirms that when a tenant's application to cancel a notice to end tenancy for unpaid rent or utilities is dismissed and the notice to end tenancy complies with the form and content requirements of section 52 of the Act, the director must grant an order requiring the payment of the unpaid rent.

In this case, I have found that the Tenant's application is dismissed and that the 10 Day Notice complies with the form and content requirements of section 52 of the Act. I also accept the undisputed testimony of AC who testified that rent due under the tenancy agreement was not paid on July 1 and August 1, 2022, and that \$4,390.00 is currently outstanding.

Pursuant to section 55(1.1) of the Act, I grant the Landlord a monetary order for \$4,390.00 for unpaid rent to August 31, 2022. The monetary order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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 30, 2022

Residential Tenancy Branch