



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR-MT, RR, RP, LRE

Introduction, Preliminary and Procedural Matters-

This hearing dealt with the Tenant's three Applications for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act).

In the first application filed on May 14, 2024, only Applicant CB was listed as a Tenant. CB filed for the following:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord

In the second and third applications, both filed on May 15, 2024, the other two Applicants, ME and JT, joined with CB in dispute of the same 10 Day Notice in dispute in the primary application.

Other issues were also listed in the various applications, as follows:

- a reduction in monthly rent
- an order requiring the landlord to make repairs to the rental unit
- an order suspending or setting conditions on the landlord's right to enter the rental unit

The hearing began at 11:00 am Pacific Time on Monday, June 10, 2024, as scheduled and the telephone system remained open and was monitored for 18 minutes. During this time, no-one for the Tenant called into the hearing; however, the Landlord was present, was affirmed, and ready to proceed with the hearing.

The hearing continued for 18 minutes, in order to allow the Tenant to call into the hearing.

The Landlord confirmed receiving some hearing documents from the primary application from the Tenants and that they did not file evidence on their own behalf. The Landlord said they did not know about the 2nd and 3rd applications as they were not served.

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 Applicants at the hearing, I order all three applications dismissed, without leave to reapply.**

Additionally, as only CB was named in the primary application, I have amended the cover page of this Decision to include all three applicants, although for the reasons below, I find that only ME is a Tenant.

Issue(s) to be Decided

Should the Landlord's 10 Day Notice be cancelled? If not, is the Landlord entitled to an Order of Possession?

Is the Tenant entitled to an order requiring the Landlord to comply with the Act, regulation or tenancy agreement?

Background and Evidence

The Landlord submitted that there was only one Tenant in this tenancy, and that was ME. CB and JT were occupants or roommates of ME.

None of the parties provided a written tenancy agreement, but the Landlord said that the tenancy started two years ago and that monthly rent is \$2450, due on the last day of the month.

The Notice in all three disputes was dated May 10, 2024, listing an effective move-out date of May 21, 2024, and unpaid rent of \$5065 owed as of February 29, 2024. The Landlord said they served the 10 Day Notice to the girlfriend of the Tenant, who was still on the property, and by attaching it to the Tenant's door on May 10, 2024.

The Tenant, in their applications, said the Notice was received on May 10, 2024, when it was attached to the door.

The Landlord submitted that the Tenant failed to pay the outstanding rent listed on the Notice within 5 days, and very little rent since receiving the Notice. The Landlord said they received \$1000 sometime in May 2024, and that as of the end of May 2024, the Tenant's total outstanding rent deficiency is \$7515.

The Landlord said the Tenant is in the process of vacating the rental unit as of the time of the hearing.

Analysis

Order of possession of the rental unit –

Given the above dismissal of the Tenant's applications and after reviewing a copy of the Notice, which had an effective move-out date of May 21, 2024, which I find complies with section 52 of the Act as to form and content, pursuant to section 55(1) of the Act, I must grant an order of possession to the Landlord.

In light of the Tenant's continuing failure to pay the monthly rent, I grant the Landlord an order of possession of the rental unit effective and enforceable **two (2) days after service on the Tenant**. The Applicants are informed that the order of possession applies to all occupants and roommates, whether or not they are named in the tenancy agreement or Orders.

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 informed that if they do not vacate the rental unit as ordered, the Tenant can be held responsible to pay the bailiff costs of the Landlord.

Monetary order –

I find that the Landlord submitted sufficient, undisputed evidence to show that the Tenant did not pay the monthly rent listed on the Notice and has not paid all the rent since the Notice was issued. I find the Landlord submitted sufficient evidence to show the Tenant owes a total amount of unpaid rent of \$7515 through the end of May 2024.

Pursuant to section 55(1.1) of the Act, I order the Tenant to pay the Landlord the amount of \$7515, which is the total amount of unpaid monthly rent owing as of the end of May 2024, according to the Landlord.

I grant the Landlord a monetary order for the amount of \$7515 to give effect to my order. 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 three 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 applications for dispute resolution, the Landlord has been granted an order of possession of the rental unit effective two (2) days after service on the Tenant.

The Landlord is granted a monetary order in the amount of \$7515 for a total amount of unpaid rent owed as of the date of the hearing.

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: June 10, 2024

Residential Tenancy Branch