



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, MNDC, ERP, RP

### Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- an order to the landlord to make repairs and emergency repairs to the rental unit pursuant to section 33.

The Respondent (the landlord) appeared at the date and time set for the hearing of this matter. The Applicant did not, although I waited until 11:12 a.m. to enable him to connect with this teleconference hearing.

The female landlord (the landlord) testified that she posted a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) on the tenant's door on December 18, 2012. The tenant entered into written evidence a copy of that Notice. The landlord identified December 29, 2012 as the effective date to end the tenancy in that Notice. At the hearing, the landlord requested an Order of Possession if the tenant's application for cancellation of the 10 Day Notice were dismissed.

### Issues(s) to be Decided

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

### Background

Rule 10.1 of the Rules of Procedure provides as follows:

**10.1 Commencement of the hearing** The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Section 55(1) of the Act reads as follows:

**55** (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,*

*(a) the landlord makes an oral request for an order of possession, and*

*(b) the director dismisses the tenant's application or upholds the landlord's notice.*

The landlord testified that the tenant continues to owe rent of \$600.00 for each of December 2012 and January 2013. She said that the tenant has not paid anything further towards his rent since she issued the 10 Day Notice.

#### Analysis

**In the absence of any evidence or submissions from the applicants, I order the application dismissed without liberty to reapply.**

Based on my decision to dismiss the tenants' application for dispute resolution, I find that this tenancy ended on the effective date of the 10 Day Notice, December 29, 2012. I find that the landlord is entitled to a 2 day Order of Possession. The landlord will be given a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

#### Conclusion

I dismiss the tenants' application for dispute resolution without leave to reapply. I issue a 2 day Order of Possession in the landlord's favour.

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: January 25, 2013

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Residential Tenancy Branch

