



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF, MT, CNR, OPT

Introduction

This hearing was convened by way of conference call concerning applications filed by the landlord and by the tenant. The landlord has applied for an Order of Possession and a monetary order for unpaid rent or utilities and to recover the filing fee from the tenant for the cost of the application. The tenant has applied for an order allowing the tenant more time to make an application to cancel a Notice to End Tenancy, for an Order of Possession of the rental unit or site, and for an order cancelling a notice to end tenancy for unpaid rent or utilities.

The landlord attended the hearing, but the tenant did not. The line remained open while the phone system was monitored for 10 minutes prior to taking any testimony, and the only participant who joined the call was the landlord.

The landlord testified under affirmation that the tenant was served with the Landlord's Application for Dispute Resolution and notice of hearing documents personally by the landlord's friend on or about April 15, 2014. The *Residential Tenancy Act* states that the documents must be served within 3 days of making the application, and in this case the application was filed on March 18, 2014 and the Residential Tenancy Branch issued notices of hearing for the landlord to serve on the tenant on March 20, 2014. Therefore, I find that the landlord has not served the tenant in accordance with the *Act* and the landlord's application must be dismissed.

With respect to the tenant's Application, the tenant did not attend. The landlord attended the hearing and was prepared to respond to the tenants' application, and asked for an Order of Possession. Therefore, I hereby dismiss the tenants' application without leave to reapply. The *Residential Tenancy Act* also states that:

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.

Both parties have provided me with a copy of both pages of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, which I have compared and find to be identical. The notice is dated March 10, 2014 and contains an expected date of vacancy of March 20, 2014. The notice states that the tenant failed to pay rent in the amount of \$290.00 that was due on March 1, 2014.

In this case, I find no reason to refuse to uphold the landlord's notice, and having dismissed the tenant's application, and upon the landlord orally requesting an Order of Possession, I must grant one.

Conclusion

For the reasons set out above, the landlord's application is hereby dismissed.

The tenant's application is hereby dismissed.

Pursuant to Section 55(1) of the *Residential Tenancy Act*, I hereby grant an Order of Possession in favour of the landlord on 2 days notice to the tenant.

This Decision is final and binding and may be enforced.

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: April 29, 2014

Residential Tenancy Branch

