



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR

### Introduction

This hearing was scheduled to deal with a tenant's Application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and a landlord's Application for an Order of Possession and a Monetary Order for unpaid rent. The landlords appeared at the hearing.

The tenant who filed the Application for Dispute Resolution named two co-tenants as applicants. The tenant who filed the Application was not present at the commencement of the hearing; however, the second named applicant (referred to by initials JL) was present. JL stated she wanted no part of the filing of the Application for Dispute Resolution and wished to be excluded from the proceeding. Upon request and consent of the parties, I excluded JL as a named party to this proceeding and amended the tenant's Application accordingly. JL proceeded to exit the teleconference call and I continued to hear from the landlords.

While the teleconference call remained open for another 15 minutes the applicant tenant did not appear. Since the tenant did not appear at the scheduled hearing and the landlords did and were prepared to deal with this matter, I dismissed the tenant's Application without leave.

The landlords stated that they believe the tenant has since vacated the rental unit and has abandoned some property in the unit, based upon information provided by other tenants residing at the property. Since the landlords have yet to confirm whether the tenant has in fact abandoned the rental unit the landlords requested an Order of Possession be provided to them in the event the tenant has not.

### Issue(s) to be Decided

1. Are the landlords entitled to an Order of Possession?
2. Are the landlords entitled to a Monetary Order for unpaid rent?

### Background and Evidence

The tenant was personally served with a 10 Day Notice to End Tenancy for Unpaid Rent on June 13, 2014 indicating the tenant failed to pay rent of \$160.00 as of June 1, 2014. The 10 Day Notice has a stated effective date of June 22, 2014. The tenant filed to dispute the 10 Day Notice; however, his request to cancel the Notice has been dismissed by way of this decision.

The landlords seek an Order of Possession and a Monetary Order for unpaid rent of \$160.00.

### Analysis

Section 55(1) of the Act provides that an Order of Possession shall be granted to a landlord where:

- The tenant files to cancel a notice to End Tenancy and the application is dismissed; and,
- The landlord orally requests an Order of Possession during the scheduled hearing.

I am satisfied all of the criteria of section 55(1) have been met and I grant the landlord's request for an Order of Possession to serve and enforce in the event the tenant has not already vacated or abandoned the rental unit. Provided to the landlord with this decision is an Order of Possession that is effective two (2) days after service upon the tenant.

Based upon the evidence before me, including the written submissions filed by the tenant with his Application for Dispute Resolution where he acknowledges owing the landlords rent of \$160.00, I grant the landlords' request for a Monetary Order for this amount. I further award the landlord's recovery of the \$50.00 filing fee. Therefore, the landlords are provided a Monetary Order against the tenant in the sum of \$210.00 to serve and enforce.

### Conclusion

The tenant's Application has been dismissed.

The landlords have been provided an Order of Possession to serve and enforce in the event the tenant has not already vacated or abandoned the rental unit.

The landlords have been provided a Monetary Order in the sum of \$210.00 to serve and enforce as necessary.

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 19, 2014

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Residential Tenancy Branch

