



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNL

Introduction

The applicant did not appear at the scheduled time for the hearing. The respondent was present and ready to proceed. I waited 10 minutes past the scheduled start time and monitored the conference call. The applicant still did not appear.

A hearing was conducted by conference call in the absence of the applicant but in the presence of the respondent. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy and the one month Notice to End Tenancy was sufficient served on the Tenant on August 2, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated August 2, 2014?
- b. Whether the tenant is entitled to an order cancelling the 2 month Notice to End Tenancy dated August 2, 2014?

Background and Evidence

The landlord was not aware of the date the tenancy began as the tenant pre-dated the date when the landlord took over the administration of the rental property. The present rent is \$361 per month payable on the first day of each month.

The landlord testified the rental property is being renovated and all of the tenants are being moved. He further testified the tenant has failed to pay the full rent including for the months of June, July and August 2014 and the sum of \$1631 remains outstanding. The tenant continues to live in the rental unit. The tenant paid the rent for September and it was accepted by the landlord for "use and occupation only" thus the landlord has not reinstated the tenancy.

Analysis

The tenant failed to attend the hearing. In the absence of evidence from the tenant I determined there is no basis for cancelling the two notices. As a result I dismissed the tenant's application to cancel the 10 day Notice and the two month notice. The tenancy shall end on the date of the Notice.

Order for Possession

The Residential Tenancy Act provides that where a landlord has made an oral request for an Order for Possession at a hearing where a dispute resolution officer has dismissed a tenant's application to set aside a Notice to End Tenancy, the dispute resolution officer must grant an Order for Possession. The landlord made this request at the hearing. As a result I granted the landlord an Order for Possession on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: October 08, 2014

Residential Tenancy Branch

