



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

Introduction

This was a hearing with respect to the tenant's application to cancel a 10 day Notice to End Tenancy for unpaid rent. The hearing was conducted by conference call. The landlord called in to the conference with his wife at the appointed time of 1:00 P.M. The conference call was kept open for more than 10 minutes but the tenant did not call in and did not participate and the hearing was concluded without an appearance by the applicant

Issue(s) to be Decided

Should the 10 day Notice to End Tenancy for unpaid rent dated December 9, 2014 be cancelled?

Background and Evidence

The rental unit is a basement suite in the landlord's house in Surrey. The tenancy began on September 1, 2014. Rent in the amount of \$550.00 is payable on the first of each month. The tenant failed to pay the rent when due and on December 9, 2014 he was served with a 10 day Notice to End Tenancy for unpaid rent by a police officer in the presence of the landlord. The tenant has not paid rent since the Notice to End Tenancy was served upon him. He applied to dispute the Notice to End Tenancy, but he did not attend the hearing of his application and submitted no documentary evidence in support of his application

Analysis

The tenant had not appeared at the hearing of his application by 1:10 P.M. In the absence of an appearance by the applicant, I dismiss his application for dispute resolution without leave to reapply.

Section 55 of the *Residential Tenancy Act* provides 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.

Conclusion

I have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective two days after service upon the tenant. This order may be registered in the Supreme Court and enforced as an order of that court.

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 14, 2015

Residential Tenancy Branch

