



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NPR GP INC (GENERAL PARTNERSHIP FOR NPR LIMITED PARTNERSHIP)
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR DRI MNDC MNSD O OLC PSF RR

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 pursuant to section 46; a monetary order for compensation for damage or loss under the *Act* pursuant to section 67; authorization to obtain a return of all or a portion of her security deposit pursuant to section 38; an order requiring the landlord to comply with the *Act* pursuant to section 62; an order to the landlord to provide services or facilities required by law pursuant to section 65; and an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65.

The tenant/applicant did not attend this hearing, although I waited until 11:15 am in order to enable the tenant/applicant to connect with this teleconference hearing scheduled for 11:00 am. With respect to the tenant's failure to attend this hearing, Rule 10.1 of the Rules of Procedure provides as follows:

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

The landlord's representatives attended the hearing and were given a full opportunity to be heard, to present sworn testimony, and to make submissions. The landlord requested an order of possession. In the absence of the tenant's participation in this hearing to support his application and given the evidence provided at this hearing, **I order the tenant's application dismissed without liberty to reapply.**

Issue(s) to be Decided

As the tenant failed to attend, his application is dismissed. Pursuant to section 55, is the landlord entitled to an Order of Possession?

Background and Evidence

This tenancy began February 1, 2016 as the remainder of a one year lease ending September 30, 2016. The rental amount of \$675.00 is payable on the first of each month. The landlord testified that the tenant failed to pay rent on July 1, 2016. On July 4, 2016, the landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent. In response, the tenant filed an application to dispute the notice to end tenancy. However, the tenant did not attend this hearing.

The landlord testified that the tenant has not paid the July 2016 rent. The landlord testified that, as of the date of this hearing, the tenant has failed to pay rent for August and September 2016. The landlord testified that the landlord believes the tenant continues to reside in the rental unit. The landlord continues to hold the tenant's security deposit paid at the outset of the tenancy in the amount of \$337.50 paid by the tenant at the outset of this tenancy.

At this hearing, the landlord made an oral application for an Order of Possession for Cause, relying on section 55 of the Act.

Analysis

Based on all of the testimony and evidence provided, I find the landlord has shown on a balance of probabilities that the tenant has failed to pay rent in accordance with the requirements of the Act. I accept the evidence of the landlord that the tenant has failed to pay July 2016 rent after receiving a 10 Day Notice to End Tenancy.

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 tenant made an application to dispute the landlord's notice to end tenancy. The tenant did not attend to support her application. The landlord made an oral request for an order of Possession. The landlord provided sufficient evidence to justify the notice to end tenancy. As I have dismissed the tenant's application, **I find the landlord is, pursuant to section 55(1), entitled to an Order of Possession.**

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: September 06, 2016

Residential Tenancy Branch

