



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PARALLEL 50 REALTY & PROPERTY  
MANAGEMENT and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR-MT, OT

### Introduction

On October 15, 2020, the Tenant filed an Application for Dispute Resolution under the *Residential Tenancy Act* ("the *Act*") to cancel a 10-Day Notice to End Tenancy for Unpaid Rent or Utilities (the Notice) issued on October 7, 2020, requesting more time to file to dispute the Notice and for other issues. The matter was set for a conference call.

The Landlord, represented by two Agents, attended the conference call hearing; however, the Tenant did not. As the Tenant is the applicant in this hearing, I find that the Tenant had been duly notified of the Notice of Hearing in accordance with the *Act*.

The Landlord was affirmed to be truthful in their testimony and was provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision

### Issues to be Decided

- Should the Notice to End Tenancy, issued on October 7, 2020 be cancelled?
- If not, is the Landlord entitled to an Order of Possession?

### Background and Evidence

The Landlord testified that they served the 10-Day Notice to the Tenant on October 7, 2020, by personally serving the Notice to the Tenant. The 10-Day Notice has an effective date of October 17, 2020, and an outstanding rent amount of \$1,900.00. The

Landlord submitted a copy of the Notice and a proof of service for the Notice into documentary evidence.

The Landlord also testified that the Tenant had not paid the outstanding rent indicated on the Notice, nor had they paid the rent for November 2020, December 2020 or January 2021.

The Landlord is requesting that the Notice be enforced and that an order of possession be issued, as the Tenant did not pay the rent within five days of receiving the 10-Day Notice as required.

### Analysis

Based on the above, the oral testimony and the documentary evidence, and on a balance of probabilities, I find as follows:

This matter was set for hearing by telephone conference call at 11:00 a.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing was the Landlord.

Rules 7.1 and 7.3 of the Rules of Procedure provide as follows:

**7.1** The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

**7.3** If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

Therefore, as the Tenant did not attend the hearing by 11:11 a.m. I dismiss the Tenant's application without leave to reapply.

Section 55(1) of the Act states:

***Order of possession for the landlord***

**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 to the landlord an order of possession of the rental unit if*

*(a) the landlord's notice to end tenancy complies with section 52 [form and content of notice to end tenancy], and*

*(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.*

I have reviewed the Notice to end tenancy, and I find the Notice complies with section 52 of the *Act*.

As I have dismissed the Tenant's application, pursuant to section 55 of the *Act*, I must grant the Landlord an order of possession to the rental unit.

Therefore, I find that the Landlord is entitled to an order of possession effective not later than 2 days after service upon the Tenant. Should the Tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The Tenant is cautioned that costs of such enforcement is recoverable from the Tenant.

#### Conclusion

The Tenant's application is dismissed, without leave to reapply.

I grant an **Order of Possession** to the Landlord effective not later than **2 days** after service upon the Tenant. The Tenant must be served with this Order. Should the Tenant 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: January 8, 2021

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Residential Tenancy Branch