



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, DRI, PSF, FFT

Pursuant to section 58 of the *Residential Tenancy Act* (the Act), I was designated to hear an application regarding a tenancy. The Tenant had applied:

- to dispute a 10 Day Notice to End Tenancy for Unpaid Rent (10 Day Notice);
- for an order for the Landlord to comply with the Act, regulation, and/or the tenancy agreement;
- to dispute a rent increase that is above the amount allowed by law;
- for an order for the Landlord to provide services or facilities required by the tenancy agreement or law; and
- for the filing fee.

The hearing teleconference commenced on time at 11:00 a.m. and was attended by the Landlord; the Tenant did not attend the hearing, though the teleconference line remained open for 10 minutes. The Landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses; they were also made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

The Landlord testified that they had served the Tenant with a One Month Notice to End Tenancy for Cause, not a 10 Day Notice. The Tenant had submitted as evidence a One Month Notice, not a 10 Day Notice.

As the Tenant did not attend the hearing at the appointed date and time, I dismiss his application without leave to reapply.

Section 55(1) of the Act states that when a tenant's application to cancel a notice to end tenancy is dismissed and the notice to end tenancy complies with the form and content requirements of section 52 of the Act, the director must grant an order of possession to the landlord.

There is no provision in the Act which requires the director to consider the merits of an application when the applicant does not attend the hearing. Nevertheless, I accept the Landlord's unchallenged and affirmed testimony that the Tenant, in an argument with another tenant, hammered nails into the keyhole of the other tenant's door, so that the other tenant could not enter their unit.

Considering the above, and pursuant to section 55(1) of the Act, I find that the Landlord is entitled to an order of possession which will be effective two days after it is served on the Tenant. The order of possession may be filed in 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 27, 2022

Residential Tenancy Branch