



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LOTUSLAND ESTATE INC  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      **CNR, OLC, MNDCT, PSF**

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice") pursuant to section 46;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;

This matter was set for hearing by telephone conference call at 11:00 am 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 during this time was the agent of the corporate respondent.

Rule 7.3 of the Rules of Procedure provides as follows:

**7.3 Consequences of not attending the hearing** – 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 reapply.

Therefore, as the applicant did not attend the hearing, and the respondent was present and ready to proceed, I dismiss the claim, in its entirety, without leave to reapply.

Section 55(1) of the *Act* provides that:

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 dismissed the tenant's application, and I find that the landlord's 2 Month Notice complies with the form and content requirements of section 52 as it is signed and dated by the landlord, provides the address of the rental unit, the effective date of the notice, and the grounds for the tenancy to end.

I accept the undisputed evidence of the landlord that pursuant to the tenancy agreement the tenant is required to pay monthly rent in the amount of \$1,600.00 on the first of each month. I accept the evidence that there is no agreement between the parties allowing the tenant to waive this requirement to pay rent and there was an arrear of \$1,600.00 as at March 16, 2022, the date of the 10 Day Notice.

Accordingly, I issue an Order of Possession in the landlord's favour. As the effective date of the notice has passed, I issue an Order enforceable 2 days after service on the tenant.

Section 55 (1.1) provides that:

If an application referred to in subsection (1) is in relation to a landlord's notice to end a tenancy under section 46 [*landlord's notice: non-payment of rent*], and the circumstances referred to in subsection (1) (a) and (b) of this section apply, the director must grant an order requiring the payment of the unpaid rent.

I accept the undisputed evidence of the landlord that the total arrear for this tenancy, as at the date of the hearing July 11, 2022, is \$8,000.00. Therefore, pursuant to my authority under section 68(2) of the *Act* and in accordance with Residential Tenancy Policy Guideline 3, I find that the tenancy ends on this date of the dispute resolution proceeding and issue a monetary award in the landlord's favour in the amount of \$8,000.00 for unpaid rent.

Conclusion

The tenant's application is dismissed in its entirety without leave to reapply.

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a monetary order in the landlord's favour in the amount of \$8,000.00. The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial 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: July 11, 2022

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Residential Tenancy Branch