



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

**Dispute Codes**      **CNR, MNRT, MNDCT, OPR, MNRL-S, FFL**

### **Introduction**

This hearing was convened by way of conference call in response to cross Applications for Dispute Resolution filed by the parties pursuant to the Residential Tenancy Act (the "Act") for Orders as follows:

The tenants applied as follows:

- For cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice") pursuant to section 46 of the Act
- For a monetary order for compensation for emergency repairs pursuant to section 33 of the Act
- For a monetary order for damage or compensation pursuant to section 67 of the Act

The landlord applied as follows:

- For a monetary order for unpaid rent pursuant to section 67 of the Act
- For an order of possession pursuant to section 55 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

The landlord was represented by agent JM, while the tenant, SB appeared but exited the hearing early. The reason why the tenant exited the hearing was not clear, and the tenant did not have an opportunity to make submissions therefore the tenants' application for dispute resolution is dismissed with leave to reapply.

The 10 Day Notice is in evidence. The 10 Day Notice meets the form and content requirements of section 52 of the Act and is valid. Section 55 of the Act requires me to issue an order of possession in favour of the landlord if the 10 Day Notice meets the form and content requirements of section 52 of the Act and if I dismiss the tenant's application. As section 55(1) of the Act is satisfied, the landlord is entitled to an order of possession effective two days from the date it is served on the tenant.

Section 55(1.1) of the Act states that if a 10 Day Notice is valid and if I dismiss the tenant's application, I must grant the landlord an order for unpaid rent. The 10 Day Notice states that the amount of rent owing is \$1,800.00. The landlord is granted an monetary order for unpaid rent in the amount of \$1,800.00.

The landlord's agent advised that he wished to withdraw his application for dispute resolution. The landlord's application is withdrawn.

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: April 28, 2023

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Residential Tenancy Branch