



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MT, CNC

### Introduction

This matter dealt with an application by the Tenants for more time to cancel a Notice to End Tenancy and to cancel a One Month Notice to End Tenancy for Cause.

The oral hearing via conference call started at 2:30 p.m. as scheduled, however by 2:40 p.m. the Tenants / Applicants had not dialled into the conference call and as a result, the hearing proceeded in their absence.

### Issue(s) to be Decided

1. Do the Landlords have grounds to end the tenancy?

### Background and Evidence

The Landlords' agent said the month-to-month tenancy started on May 1, 2012. The Landlord's agent said on June 28, 2012, he served the Tenants in person with a One Month Notice to End Tenancy for Cause dated June 28, 2012 with an effective date of July 31, 2012.

The Landlord's agent said he later discovered that the Tenants had submitted into evidence a copy of a One Month Notice to End Tenancy dated May 9, 2012 with an effective date of August 3, 2012. The Landlord's agent denied that he gave this Notice to the Tenants and claimed that it appeared to have been altered. The Landlords' agent said the Tenant moved their belongings from the rental unit at the end of July or beginning of August, 2012 and while he has not seen them since that time, they did not give the Landlords notice that they were vacating. Consequently, the Landlords' agent sought an Order of Possession.

### Analysis

I find on a balance of probabilities that the Tenants were served in person on June 28, 2012 with a One Month Notice to End Tenancy for Cause dated June 28, 2012. I also find that the Tenants did not apply to dispute this Notice until July 26, 2012, after the 10 days granted under s. 47(4) of the Act. In the absence of any evidence from the Tenants to support their application to cancel the Notice, it is dismissed without leave to reapply.

The Landlords' agent requested and I find pursuant to s. 55(1) of the Act that he is entitled to an Order of Possession to take effect 2 days after service of it on the Tenants.

Conclusion

An Order of Possession to take effect 2 days after service of it on the Tenants has been issued to the Landlords. The Order must be served on the Tenants and may be enforced in 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: August 22, 2012.

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Residential Tenancy Branch