



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      DRI, OLC, RP, OPC, FF

### Introduction

This hearing dealt with cross Applications for Dispute Resolution.

The Tenant filed her Application to dispute an additional rent increase, for an order for the Landlord to comply with the Act, for an order for the Landlord to make repairs to the rental unit and to recover the filing fee for the Application.

The Landlord requested an order of possession based on a one month Notice to End Tenancy for cause and to recover the filing fee for the Application.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

### Issue(s) to be Decided

Is this tenancy going to continue?

Is the Tenant entitled to the relief sought?

Are the Landlords entitled to an order of possession?

### Background and Evidence

Both parties submitted in evidence and testimony that there have been numerous problems with the tenancy since it started in June of 2012. There have also been police attending the rental unit to keep the peace.

The Tenant filed her Application on September 4, 2012.

The Tenant testified that she was served with a one month Notice to End Tenancy for cause on September 5, 2012 (the "Notice").

The Landlords have incorrectly shown the effective date of the Notice as September 30, 2012. This does not comply with the requirement under the Act to give one month of notice to end tenancy pursuant to section 47 of the Act.

During the hearing, I explained to the parties that the effective date of the Notice automatically corrects to October 31, 2012, pursuant to section 53 of the Act.

The Tenant testified she did not dispute the Notice. She testified she thought she had addressed the issues that gave rise to the Notice in her Application.

The Notice explains in writing that the Tenant had 10 days to dispute the Notice or the tenancy would end.

The Tenant did not file to dispute the Notice and did not amend her Application of September 4, 2012, to dispute the Notice.

### Analysis

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

I find the Tenant failed to amend her Application of September 4, 2012, or to file a different Application to dispute the Notice served on her September 5, 2012. Therefore, under section 47(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy will end on the effective end date of the Notice, which is corrected to October 31, 2012.

The Tenant agreed that since the tenancy was ending there was no point in continuing with her Application to have the carpets in the rental unit cleaned or the window blinds repaired. Therefore, I dismiss the Tenant's Application.

Since the Landlords requested an order of possession in their Application, I must grant that request in these circumstances. Therefore, **I grant an order of possession for the rental unit effective at 1:00 p.m. October 31, 2012.** This order may be filed in the Supreme Court and enforced as an order of that Court.

### Conclusion

The Tenant did not amend her Application or file a new Application to dispute the Notice to End Tenancy issued to her by the Landlord. The Landlord is granted an order of possession effective at 1:00 p.m. October 31, 2012.

**Both parties were cautioned to keep the peace for the remainder of the tenancy.**

The Landlords are to comply with the Act and deal with the security deposit and pet damage deposit in accordance with the Act at the end of the tenancy.

The Landlords and the Tenant are provided with a copy of a guidebook to residential tenancies.

**Both parties are ordered to comply with the Act.**

As both parties met with limited success in this matter, I do not award the filing fee for either Application.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: October 04, 2012.

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Residential Tenancy Branch