



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This was a hearing with respect to the tenants' application to cancel a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The hearing commenced at 10:30 A.M. and the conference call was kept open until 11:00 A.M., but the tenants did not call in to participate in the hearing, even though this was the hearing of their application for dispute resolution.

### Issue(s) to be Decided

Should the Notice to End Tenancy dated June 22, 2013 be cancelled?  
Should the landlord be granted an order for possession?

### Background and Evidence

The rental unit is the upper suite in a house in Vancouver. The tenancy began on June 15, 2013. The lower suite is occupied by long term tenants who have lived in the rental property for many years. The landlord testified that the tenants told her that they had a small dog when they viewed the property. She agreed to rent to them on that basis, but discovered after they moved in that they have a larger pit bull type of dog. She said that the tenants and their dog have seriously disturbed the downstairs tenants. They do not clean up after the dog and it barks at all hours. The landlord has received a number of complaints from neighbours about the tenants and their dog and about parking issues. The downstairs tenants, who are elderly have complained that they have been severely disturbed by the tenants and by their dog. The landlord's attempts to communicate with the tenants have been rebuffed. The landlord served the tenants with the Notice to End Tenancy on June 22, 2013. The tenants did not pay rent for the initial two weeks of June, although rent was paid for July. The tenants applied to dispute the Notice to End Tenancy on June 24, 2013.

Analysis and conclusion

The tenants had not appeared at the hearing of their application by 11:00 A.M. In the absence of an appearance by the applicants, I dismiss their application for dispute resolution without leave to reapply. The landlord's testimony has also satisfied me that there are grounds for issuing the Notice to End Tenancy.

Section 55 of the *Residential Tenancy Act* provides as follows:

- 55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,
- (a) the landlord makes an oral request for an order of possession, and
  - (b) the director dismisses the tenant's application or upholds the landlord's notice.

I have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective July 31, 2013 after service upon the tenants. This order may be registered in the Supreme 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 24, 2013

---

Residential Tenancy Branch

