



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FF
OPC

Introduction

This hearing was scheduled in response to an application by the tenants for cancellation of a 1 month notice to end tenancy for cause / and recovery of the filing fee. The landlord attended and gave affirmed testimony. Despite scheduling of the hearing in response to their application, neither tenant appeared. During the hearing the landlord made an oral request for an order of possession.

Issue(s) to be Decided

Whether either party is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the tenancy began on December 15, 2012. Monthly rent is \$1,450.00 and a security deposit of \$725.00 was collected.

Pursuant to section 47 of the Act which speaks to **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated July 2, 2013. The notice was served in-person on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is August 2, 2013, and reasons shown on the notice in support of its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

significantly interfered with or unreasonably disturbed another occupant or the landlord

put the landlord's property at significant risk

Tenant has caused extraordinary damage to the unit / site or property / park

The tenants filed an application to dispute the notice on July 9, 2013.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 1 month notice to end tenancy for cause dated July 2, 2013. While the tenants filed an application to dispute the notice within the 10 day period available pursuant to section 47(4) of the Act, neither tenant appeared at the hearing scheduled in response to their application.

Section 55 of the Act addresses **Order of possession for the landlord**, in part:

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.

Following from all the above, the tenants' application for cancellation of the 1 month notice to end tenancy is hereby set aside and, arising from the landlord's oral request, I find that the landlord has established entitlement to an **order of possession**.

Section 53 of the Act speaks to how **Incorrect effective dates automatically changed**. Arising from this provision, I find that the 1 month notice dated and served on July 2, 2013, has the effect of ending the tenancy no later than **August 31, 2013**.

Conclusion

The tenants' application is hereby dismissed.

I hereby issue an **order of possession** in favour of the landlord effective no later than **1:00 p.m., Saturday, August 31, 2013**. This order must be served on the tenants. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia 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: August 13, 2013

Residential Tenancy Branch

