



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, ERP, RP

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- an order to the landlord to make repairs and emergency repairs to the rental unit pursuant to section 33.

The Respondent (the landlord) appeared at the date and time set for the hearing of this matter. The Applicants did not, although I waited until 1:45 p.m. to enable them to connect with this teleconference hearing.

The landlord testified that he handed Tenant MWLB a 1 Month Notice to End Tenancy for Cause (the Notice) on June 21, 2013. He also said that he posted this Notice on the tenants' door that same day. He also testified that he handed Tenant RJHB a separate 1 Month Notice on June 28, 2013 and posted a copy of that Notice on the tenants' door on that date. The tenants entered into written evidence a copy of the 1 Month Notice dated June 21, 2013. The landlord identified July 21, 2013 as the effective date to end the tenancy in the June 21, 2013 Notice. As I noted at the hearing, the corrected date for the landlord's first 1 Month Notice is July 31, 2013.

At the hearing, the landlord requested an Order of Possession if the tenants' application for cancellation of the Notice to End Tenancy were dismissed.

Background

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Section 55(1) of the Act reads 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.

In the landlord's Notice, the landlord identified a number of grounds for ending this tenancy for cause, any of which could lead to an end to this tenancy. One of these reasons was the landlord's assertion that the tenants had caused extraordinary damage to the unit. He testified that the tenants have damaged the front door to the extent that their only way to access the rental unit was by way of emergency doors. He also said that the tenants are constantly fighting and that the police have been called on many occasions to attend to the rental property to follow up on complaints about the tenants.

Analysis

In the absence of any evidence or submissions from the applicants other than a very brief description of the Details of the Dispute in their application for dispute resolution, I order the tenants' application dismissed without liberty to reapply.

Based on my decision to dismiss the tenants' application for dispute resolution, I find that this tenancy ends **two days after service of the attached Order** on the tenant(s).

Conclusion

I dismiss the tenants' application for dispute resolution without leave to reapply. I issue an Order of Possession in the landlord's favour. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of 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 12, 2013

Residential Tenancy Branch

