



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing addressed the tenants' application pursuant to section 47 of the *Residential Tenancy Act* (the "*Act*") to cancel a 1 Month Notice to End Tenancy for Cause ("1 Month Notice").

The tenants did not participate in the conference call hearing, which lasted approximately 10 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Because the tenants failed to attend the hearing and present her claim, I dismiss their claim without leave to reapply.

Background and Evidence

As per the submitted tenancy agreement and testimony of the landlord this tenancy began on March 1, 2015 on a month-to-month basis. Rent in the amount of \$700.00 is payable on the first of each month. The tenants remitted \$350.00 for the security deposit at the start of the tenancy. The tenants continue to reside in the rental unit.

The landlord testified that on July 21, 2016 he personally served the 1 Month Notice to the tenants at the rental unit where the tenants reside. Based on the testimony of the landlord and in accordance with sections 89 and 90 of the *Act*, I find that the tenants have been deemed served with the 1 Month Notice on July 21, 2016, the day it was personally served.

Analysis

Section 55 of the *Act* establishes that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and

the tenant's application is dismissed or the landlord's notice is upheld. Section 52 of the *Act* provides that a notice to end tenancy from a landlord must be in writing and must be signed and dated by the landlord, give the address of the rental unit, state the effective date of the notice, state the grounds for ending the tenancy, and be in the approved form.

Based on the landlord's testimony and the 1 Month Notice before me, I find the 1 Month Notice complies in form and content. As the 1 Month Notice complies in form and content and as the tenants' application has been dismissed I find that the landlord is entitled to an order of possession.

Conclusion

The tenants' entire application is dismissed without leave to reapply.

An order of possession is granted to the landlord effective **two (2) days after service on the tenant**.

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: October 03, 2016

Residential Tenancy Branch