



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding REALTY EXECUTIVES VANTAGE  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      CNC

### Introduction and Analysis

This hearing dealt with the tenants' Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") seeking to cancel a 1 Month Notice to End Tenancy for Cause dated January 30, 2017 (the "1 Month Notice").

An agent for the respondent landlord company (the "agent") attended the teleconference hearing. The hearing was by conference call and began promptly as scheduled at 9:30 a.m. Pacific Time on Wednesday, March 8, 2017, as per the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") provided to the tenants dated February 10, 2017. The line remained open while the phone system was monitored for 12 minutes and the only participant who called into the hearing during this time was the agent for the landlord. The agent testified that the tenants continue to occupy the rental unit.

The agent testified that the 1 Month Notice was served personally on tenant P.D. at 6:30 p.m. on January 30, 2017. Tenant P.D. signed the proof of service document submitted in evidence to support the method of service for the 1 Month Notice. The effective vacancy date listed on the 1 Month Notice was February 28, 2017 which has passed. The cause listed on the 1 Month Notice is repeated late payments of rent.

After the ten minute waiting period, the tenants' application was **dismissed in full, without leave to reapply**. Section 55 of the *Act* applies and states:

### **Order of possession for the landlord**

**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 to the landlord an order of possession of the rental unit if**

(a) **the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and**

(b) **the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.**

[my emphasis added]

Pursuant to section 55 of the *Act*, I grant the landlord an order of possession **effective two (2) days** after service on the tenants. I find the tenancy ended on February 28, 2017, the effective vacancy date listed on the 1 Month Notice. The tenants have been over-holding the rental unit since that date.

#### Conclusion

The tenant's application has been dismissed in full, without leave to reapply. The tenancy ended on February 28, 2017.

The landlord has been granted an order of possession effective two (2) days after service on the tenants. This order must be served on the tenants and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, except as 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 *Residential Tenancy Act*.

Dated: March 8, 2017

---

Residential Tenancy Branch