



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for cancellation of the landlords' 1 Month Notice to End Tenancy for Cause ('1 Month Notice') pursuant to section 47, and authorization to recover the filing fee for this application from the landlords, pursuant to section 72 of the *Act*.

The Applicant (tenant) did not attend this hearing, although I waited until 9:41 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 a.m. The landlords attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. JT ('landlords') gave evidence in this hearing as the primary agent for the landlords, and had full authority to do so.

JT acknowledged receipt of the tenant's application for dispute resolution ('Application'). In accordance with section 89 of the *Act*, I find the landlords duly served with the tenant's application. JT testified that the landlords' evidence was personally served to the tenant on May 29, 2017. In accordance with sections 88 and 90 of the *Act*, I find that the tenant was duly served with copies of the landlords' evidence.

JT provided undisputed testimony that the tenant was personally served with the 1 Month Notice, with an effective date of May 31, 2017, on April 26, 2017. In accordance with sections 88 and 90 of the *Act*, I find that the tenant was duly served with the 1 Month Notice on April 26, 2017.

Issues(s) to be Decided

Should the landlords' 1 Month Notice be cancelled? If not, are the landlords entitled to an Order of Possession?

Is the tenant entitled to recover the cost of the filing fee for this application?

Background and Evidence

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, 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 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.

Analysis

In the absence of any evidence or submissions from the applicant, I order the tenant's entire application dismissed without liberty to reapply.

A copy of the 1 Month Notice was submitted by the landlords for this hearing, and I find that the landlords' 1 Month Notice complies with section 52 of the *Act*, which states that the Notice must: be in writing and must: (a) be signed and dated by the landlord or tenant giving the notice, (b) give the address of the rental unit, (c) state the effective date of the notice, (d) except for a notice under section 45 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and (e) when given by a landlord, be in the approved form.

Conclusion

I dismiss the tenant's entire application without leave to reapply. I find that the landlords' 1 Month Notice is valid and effective as of May 31, 2017.

I grant an Order of Possession to the landlords effective two **days after service of this Order** on the tenant. Should the tenant 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: June 23, 2017

Residential Tenancy Branch