



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC

Introduction

This is the Tenants' Application for Dispute Resolution seeking to cancel a Notice to End Tenancy for Cause.

This matter was scheduled to be heard by teleconference at 9:30, June 9, 2017. The Landlord signed into the teleconference and was ready to proceed. The teleconference remained open for 10 minutes, but the Tenants did not sign in. Therefore, their Application is dismissed without leave to reapply.

Further to the provisions of Section 55 of the Act, I find that the Landlord is entitled to an Order of Possession.

The Landlord's agent testified that the Landlord had also served the Tenants with a 10 Day Notice to End Tenancy for Unpaid rent on April 1, 2017; however, the Landlord did not make an Application for an Order of Possession with respect to the 10 Day Notice. This is the Tenants' Application, which does not seek to cancel the 10 Day Notice. In any event, rent is due on the first of the month and the 10 Day Notice was issued on the first day of April, 2017 for rent that was due on the first day of April, 2017. Rent may be paid up to midnight on the first day of each month. The 10 Day Notice is not a valid Notice because it was issued and served before rent was overdue.

Section 47(2) of the Act provides:

(2) A notice under this section must end the tenancy effective on a date that is

(a) not earlier than one month after the date the notice is received, and

(b) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement.

The Landlord's agent testified that the Landlord served the Tenant with the One Month Notice to End Tenancy for Cause by hand delivering the Notice to the Tenant on May 1, 2017. Therefore I find that the One Month Notice is effective June 30, 2017, pursuant to the provisions of Section 47(2) of the Act.

Conclusion

The Tenants' Application is **dismissed without leave to reapply**.

The Landlord is hereby provided with an Order of Possession effective **1:00 p.m., June 2017**. This Order must be served on the Tenants and may be enforced through 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 09, 2017

Residential Tenancy Branch