



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPITAL REGION HOUSING
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

On June 12, 2017, the Tenants submitted an Application for Dispute Resolution asking that a 1 Month Notice to End Tenancy for Cause (“the Notice”) be cancelled.

The matter was set for a conference call hearing. The Landlord attended the hearing; however, the Tenants did not. The hearing process was explained and the Landlords were asked if they had any questions. The Landlords provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Has the Tenant breached the Act, or the tenancy agreement by repeatedly paying rent late?

Background and Evidence

The Landlord testified that the tenancy began on August 1, 2015, as a month to month tenancy. Rent in the amount of \$985.00 is to be paid by the first day of each month. The Tenant paid the Landlord a security deposit of \$479.00.

The Landlord testified that the Tenants were issued a 1 Month Notice To End Tenancy For Cause dated June 7, 2017. The Landlord Mr. C.A. testified that he served the Notice to the Tenant, Mr. J.B. in person on June 7, 2017.

The reason for ending the tenancy within the Notice is:

- Tenant is repeatedly late paying rent

The Notice provides information for Tenants who receive the Notice. The Notice states that a Tenant has the right to dispute the Notice within 10 days after receiving it by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

The Tenants disputed the 1 month Notice on June 12, 2017, within the required time frame, but failed to attend the hearing.

The Landlord testified that the Tenant has not paid any rent for the months of June, July, and August 2017. The Landlord seeks an immediate order of possession.

Analysis

Section 47 of the Act states that a Landlord may end a tenancy by giving a Notice to end the tenancy if the Tenant is repeatedly late paying rent.

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenant received the 1 Month Notice To End Tenancy For Cause dated June 7, 2017. The Tenant disputed the 1 Month Notice, but failed to attend the hearing.

Since the Tenants failed to attend the hearing, I dismiss the Tenant's Application to cancel the Notice dated June 7, 2017.

Under section 55 of the Act, when a Tenant's application to cancel a Notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

I find that the tenancy ended on July 31, 2017, which is the effective date of the 1 Month Notice to End Tenancy. I find that the Tenants have not paid the rent for the month of August 2017.

I find that the Landlord is entitled to an order of possession effective two days after service on the Tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The Tenants failed to attend the hearing for the dispute of the 1 Month Notice To End Tenancy For Cause dated June 7, 2017. The Tenants application to cancel the 1 Month Notice is dismissed.

I grant the Landlord an order of possession effective two (2) days after service on the Tenants. The Tenants must be served with the order of possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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 22, 2017

Residential Tenancy Branch