



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

On June 28, 2017, the Tenants submitted an Application for Dispute Resolution asking to cancel a 1 Month Notice to End Tenancy.

The matter was set for a conference call hearing. The Landlord appeared at the hearing; however, the Tenants did not. The Landlord Ms. L.V. provided affirmed testimony and was provided the opportunity to present her 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

- Should the Tenant's application be dismissed?
- Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord testified that she issued the Tenants a 1 Month Notice to End Tenancy for Cause. The Landlord testified that she served the Tenants with a 1 Month Notice To End Tenancy For Cause in person on June 24, 2017. The Landlord provided a copy of the 1 Month Notice.

The 1 Month 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.

On June 28, 2017, the Tenants applied for Dispute Resolution to dispute the 1 Month Notice, but they did not appear at the hearing.

The Landlord requested an order of possession for the rental property.

Analysis

The Residential Tenancy Branch Rules of Procedure 7.3 and 7.4 states that if a party fails to attend the hearing the arbitrator may conduct the dispute in the absence of that party or dismiss the application. Evidence must be presented by the party who submitted it, or by the party's agent. If a party does not attend a hearing to present evidence, any written submissions may or may not be considered.

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

The Tenants received a 1 Month Notice To End Tenancy For Cause on June 24, 2017. The Tenants applied for dispute resolution to cancel the 1 Month Notice, but failed to attend the hearing. Therefore, I dismiss the Tenant's Application to cancel the 1 Month Notice to End Tenancy For Cause dated June 21, 2017.

Under section 55 of the Act, when a Tenants 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 1 Month Notice To End Tenancy issued by the Landlord meets the requirements for form and content.

The effective date within the 1 Month Notice for the end of the tenancy has passed. I find that the Landlords are entitled to an order of possession effective two (2) 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 disputed a 1 Month Notice to End Tenancy but failed to attend the hearing. The Tenants' Application to cancel the 1 Month Notice to End Tenancy dated June 21, 2017, is dismissed. Pursuant to section 55 of the Act, the Landlords are granted an order of possession.

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: September 07, 2017

Residential Tenancy Branch