



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, OPC & FF

### Introduction

The Application for Dispute Resolution filed by the Tenant(s) seeks an order to cancel the one month Notice to End Tenancy dated August 1, 2017.

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for cause.
- b. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of the landlord and in the absence of the Tenants although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy was personally served on the Tenant(s) August 1, 2017. I find that the 10 day Notice to End Tenancy was served on the Tenant(s) on August 2, 2017. The landlord testified the tenant failed to serve any Application for Dispute Resolution on him and he was unaware of the Tenants' Application. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was personally served on the Tenants on August 30, 2017. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated August 1, 2017?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

On February 1, 2017 the parties entered into a tenancy agreement that provided that the tenancy would start on February 1, 2017. The rent is \$750 per month payable on the first day of each month. The tenant paid a security deposit of \$375 at the start of the tenancy.

he tenant(s) failed to pay the rent for the months of August, September and October and the sum of \$2250 remains owing.

The tenant(s) continue to reside in the rental unit. .

### Tenant's Application:

The landlord testified the Tenant's failed to serve the Application for Dispute Resolution which they filed on him. Further, the tenants failed to attend the hearing and failed to present evidence as to service.

After carefully considering all of the evidence I determined that the landlord has established sufficient cause to end the tenancy. As a result I dismissed the tenant's application to cancel the one month Notice to End Tenancy. I order that the tenancy shall end on the date set out in the Notice.

### Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

### Landlord's Application - Order of Possession:

For the reasons set out above I determined the landlord is entitled to an Order of Possession. The Application for Dispute Resolution filed by the Tenant(s) to cancel the one month Notice to End Tenancy has been dismissed. Accordingly, I granted the landlord an Order for Possession on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee:

The landlord did not apply for a monetary order or for an order to retain the security deposit. As a result no such order is made.

I ordered that the Tenants pay to the Landlord the sum of \$100 for the cost of the filing fee.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

**This decision is final and binding on the parties.**

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: November 02, 2017

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Residential Tenancy Branch