



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      Tenant: MT CNR DRI ERP  
Landlord: OPR MNR

### Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on November 22, 2017.

The tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy (the Notice);
- cancel the Notice for Unpaid rent or utilities;
- a determination regarding their dispute of an additional rent increase by the landlord pursuant to section 43; and,
- an order to the landlord to make repairs to the rental unit pursuant to section 33.

The Landlord applied for the following relief:

- An order of possession for unpaid rent or utilities; and,
- A monetary order for unpaid rent or utilities.

The Landlord appeared at the hearing; however, the Tenants did not. The Landlord was 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.

### Preliminary and Procedural Issues

During the hearing, the Landlord stated that he is withdrawing his cross application. As such, I will not be addressing the Landlord's application any further.

Given that the Tenants failed to attend the hearing, I dismiss their application, in full, without leave to reapply.

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, I must grant the Landlord an order of possession. Section 52 of the *Act* requires that any notice to end tenancy issued by a landlord must be signed and dated by the landlord, give the address of the rental unit, state the effective date of the notice (September 13, 2017), state the grounds for ending the tenancy (non-payment of rent), and be in the approved form.

I find that the Notice provided into evidence by both parties meets the requirements for form and content and the Landlord is entitled to an order of possession.

### Conclusion

I dismiss the Tenants' application, in full, without leave to reapply.

The landlord is granted an order of possession effective **two days after service** on the tenants. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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: November 22, 2017

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Residential Tenancy Branch