



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

CNC

### One Month Notice to End Tenancy for Cause

This hearing was held in response to the tenant's application for dispute resolution in which the tenant has applied to cancel a one month Notice ending tenancy for cause.

The landlord was present at the 9:00 a.m. scheduled start of the conference call hearing.

The tenant did not attend the hearing.

The hearing was ended at 9:12 a.m. The tenant's application was dismissed at that time.

The tenant did not supply a copy of the Notice ending tenancy. The landlord reviewed the details of the Notice during the hearing. A copy of the Notice, in the approved form, was then supplied as requested. The Notice provided four reasons for eviction.

The Notice was issued on September 28, 2017 and served to the tenant on that date. The Notice had an effective date of October 30, 2017. Rent is due on the first day of each month.

Section 47(2) of the Act stipulates that a one month Notice ending tenancy for cause is effective not earlier than one month after the date the Notice is received, and 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.

Section 53 of the Act stipulates that if the effective date stated in a Notice is earlier than the earliest date permitted under the legislation, the effective date is deemed to be the earliest date that complies with the legislation. Therefore, I find that the effective date of this Notice to End Tenancy was October 31, 2017.

A tenant may dispute a one month Notice within 10 days of receipt of the Notice. The tenant disputed the Notice on September 29, 2017; the day after the landlord served the Notice. However, the tenant did not attend the hearing in support of the application.

Therefore, I find that the tenants' application is dismissed.

Section 55(1) of the Act provides:

**55** (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if*

*(a) the landlord's notice to end tenancy complies with section 52 [form and content of notice to end tenancy], and*

*(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.*

Therefore, as the tenants' application is dismissed and the Notice is in the approved form, I find pursuant to section 55(1) of the Act that the landlord must be issued an order of possession.

The landlord has been granted an order of possession that is effective two days after service to the tenant. This order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is final and binding and 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: December 14, 2017

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Residential Tenancy Branch