



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC LRE OLC PSF RR

Introduction

This hearing dealt with an application by the tenants pursuant to the *Residential Tenancy Act* ("the Act") for an order as follows:

- to cancel a 1 Month Notice to End Tenancy given for Cause ("1 Month Notice") pursuant to section 47 of the *Act*;
- to direct the landlord to provide services or facilities required by law pursuant to section 65 of the *Act*;
- to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70 of the *Act*;
- for an Order directing the landlord to comply with the *Act* pursuant to section 62; and
- to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided pursuant to section 65 of the *Act*.

While the Respondent Landlord attended the hearing by way of conference call, the Applicant Tenants did not, although I waited until 9:10 A.M. in order to enable the Applicant Tenants to connect with this teleconference hearing scheduled for 9:00 A.M. The Respondent Landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision

Analysis

Section 55(1) of the *Act* reads as follows:

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 an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,*

(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.

Based on the 1 Month Notice entered as written evidence and the landlord's testimony, I find that the landlord's 1 Month Notice complies with section 52 of the Act. The tenants' failure to attend this hearing and present evidence relating to their application leads me to order that their application to cancel the 1 Month Notice is dismissed without liberty to reapply.

Following my decision to dismiss the tenants' application for dispute resolution and my finding that the landlord's 1 Month Notice complies with section 52 of the Act, I find that this tenancy ended on the effective date of the 1 Month Notice, November 30, 2017, and the landlord is entitled to 2 Day Order of Possession.

As this tenancy is ending pursuant to the landlord's 1 Month Notice, the remainder of the tenants' application for dispute is dismissed without leave to reapply.

Conclusion

All portions of the tenants' application for dispute are dismissed without leave to reapply.

The landlord is provided with a formal copy of an Order of Possession effective 2 days after service. Should the tenants fail to comply with this Order, this Order may be enforced as an Order of the Supreme Court of British Columbia.

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: December 29, 2017

Residential Tenancy Branch