



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC ERP FFT MNDCT OLC RP

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. The participatory hearing was held on December 29, 2017. The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- cancellation of the Landlord's 1 Month Notice to End Tenancy for Cause pursuant to section 47 (the 1 Month Notice)
- authorization to recover the filing fee for this application from the Landlord pursuant to section 72
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;

The Landlords appeared at the hearing; however, the Tenants did not. The Landlords were 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

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, state the grounds for ending the tenancy and be in the approved form.

In this case, the Landlords 1 Month Notice does not meet the form and content requirements of section 52 because it appears to be a letter written to the Tenants, rather than a proper 1 Month Notice. Given this, no order or possession will be issued, pursuant to section 55 of the *Act*.

The tenancy will continue until ended in accordance with the *Act*. Any notices to end tenancy must be compliant with section 52 of the *Act* in order for an order of possession to be issued.

Conclusion

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

No order of possession is issued at this time. The tenancy will continue until ended in accordance with the *Act*.

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