



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The tenants did not attend. The landlord attended the hearing via conference call and provided affirmed testimony. The landlord stated that the tenants had provided notice to vacate the rental premises on April 30, 2018. The landlord also indicated that the tenants had indicated that they would be cancelling their application for dispute, but as yet has not received any confirmation of such. The landlord stated that he was served with the tenants' notice of hearing package and the listed issues claimed by the tenants.

I waited until 11 minutes past the start of the scheduled hearing time to allow both parties to attend and participate in the hearing.

Rule 7 of the Rules of Procedure provides that:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.2 Delay in the start of a hearing

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the tenants and in the absence of the tenants' participation in this hearing, I order the application dismissed without leave to reapply.

The landlord provided undisputed affirmed testimony that on February 28, 2018, the landlord served the tenant with the 1 Month Notice February 28, 2018 in person. The 1 Month Notice sets out an effective end of tenancy date of March 31, 2018 and that it was being given as:

- the tenant has allowed an unreasonable number of occupants in the unit;
- Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so.

The landlord's details of cause listed on the 1 Month Notice states, "see attached document".

The landlord clarified that the copy of the submitted details should have been dated for 2018 as everything had occurred just prior to the 1 Month Notice dated February 28, 2018. The landlord provided in part details that a local municipal bylaw officer found additional parties residing in a tent and had issued notice to the tenants and the landlord to have them depart. The landlord cautioned the tenants that additional occupants of the rental premises were prohibited and to end this practice. The landlord stated that a municipal bylaw officer later returned and found two parties living in a trailer on the premises contrary to the local bylaws and without the landlord's written permission. The landlord was issued a bylaw fine for contravening the local bylaws. As a result the landlord issued a 1 Month Notice dated February 28, 2018.

The landlord has submitted in support of his claims copies of local bylaw reports, communication exchanges and a bylaw ticket for the breach(s).

I accept the undisputed affirmed evidence of the landlord and find that the 1 Month Notice dated February 28, 2018 is upheld.

Pursuant to section 55 (1) of the Act the landlord is granted an order of possession. As the effective date of the end of tenancy has now passed, this order of possession shall be effective two days after being served upon the tenant.

The order of possession must be served upon the tenants. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and 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: April 10, 2018

Residential Tenancy Branch