



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC OPT

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for cancellation of the landlord's 1 Month Notice to End Tenancy for Cause ('1 Month Notice') pursuant to section 47; and an Order of Possession of the rental unit pursuant to section 54.

The Applicants (tenants) did not attend this hearing, although I waited until 11:10 a.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 11:00 a.m.

ML and TP attended the hearing, and indicated that the property was sold to new landlords on March 29, 2018. ML is agent for the former landlords, while TP is agent for the new landlords. As no party was opposed, the application was amended to include the name of the new landlords.

ML and TP attended the hearing as agents for the landlords, and were given a full opportunity to be heard, to present evidence and to make submissions.

ML testified that the landlord personally served the tenants with the 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) on February 28, 2018, but the tenants have not moved out by the effective date on the 1 Month Notice, March 31, 2018. At the hearing, the landlord's agents requested an Order of Possession if the tenants' application for cancellation of the 1 Month Notice was dismissed.

Rule 7.3 of the Rules of Procedure provides as follows:

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.

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 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.

In the absence of any evidence or submissions from the applicants, I order the tenants' application dismissed without liberty to reapply.

A copy of the 1 Month Notice was submitted for this hearing, and I find that the landlord's 1 Month Notice complies with section 52 of the *Act*, which states that the Notice must: be in writing and must: (a) be signed and dated by the landlord or tenant giving the notice, (b) give the address of the rental unit, (c) state the effective date of the notice, (d) except for a notice under section 45 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and (e) when given by a landlord, be in the approved form.

Conclusion

I dismiss the tenants' application without leave to reapply. I find that the landlord's 1 Month Notice is valid and effective as of March 31, 2018.

I grant an Order of Possession to the landlord(s) effective two **days after service of this Order** on the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and 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: May 17, 2018

Residential Tenancy Branch