



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MT, CNR

Introduction

This is the Tenant's Application made April 30, 2018, for an extension of time to make an application to cancel a notice to end the tenancy; and to cancel a Notice to End Tenancy for Cause issued April 3, 2018 (the "Notice").

This Hearing was scheduled to be heard on June 27, 2018, at 10:30 a.m. The Applicant/Tenant did not attend this Hearing, although I left the teleconference hearing connection open until 10:45 a.m. in order to enable the Tenant to attend. The Landlord JN attended the hearing and gave affirmed testimony.

I confirmed that the correct date, time, call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Landlord JN and I were the only ones who had called into this teleconference. Therefore, I dismissed the Tenant's Application without leave to reapply.

During the course of the Hearing, it was determined that the Landlord JN's first and last names were spelled incorrectly on the Tenant's Application. I amended the Application to reflect the correct spelling of the Landlord JN's names.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession pursuant to the provisions of Section 55 of the Act?

Background and Evidence

The Tenant did not provide a copy of the Notice in evidence. The Landlord JN described the Notice and confirmed that it:

- (a) is signed and dated by the Landlord,
- (b) gives the address of the rental unit,
- (c) states the effective date of the notice,
- (d) states the grounds for ending the tenancy, and
- (e) is in the approved form.

The Landlord JN testified that she mailed the Notice to the Tenant, by registered mail, on April 3, 2018, but the Tenant refused to accept delivery. The Notice was returned to the Landlord, who then hand delivered the Notice to the Tenant at the rental unit on April 13, 2018, at 3:27 p.m.

JN testified that the Notice provides the following reasons for ending the tenancy:

the tenant is repeatedly late paying rent; and

the tenant or a person permitted on the residential property by the tenant has

- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
- (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant.

Analysis

Section 55 of the Act provides:

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.

Based on the uncontested affirmed testimony of the Landlord JN, I find that the Notice complies with Section 52 of the Act. I have dismissed the Tenant's application to cancel the Notice and therefore, further to the provisions of Section 55 of the Act, I hereby provide the Landlords with an Order of Possession.

I find that the tenancy ended on May 31, 2018, and that the Tenant is overholding.

Conclusion

I hereby provide the Landlords with an Order of Possession effective **two days after service of the Order upon the Tenant.**

This Order may be enforced in 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: June 28, 2018

Residential Tenancy Branch