



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, LRE, FFT, ET, FFL

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. An order to cancel the 10 day Notice to End Tenancy dated May 16, 2018
- b. An order to cancel a one month Notice to End Tenancy dated May 16, 2018
- c. An order suspending or setting conditions on the landlord's right to enter the rental unit.
- d. An order that the tenant recover the cost of the filing fee

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An order for the early end of the tenancy.
- b. An order to recover the cost of the filing fee

The tenant(s) failed to appear at the scheduled start of the hearing which was 9:00 a.m. on July 17, 2018. The landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The tenants failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy and the one month Notice to End Tenancy was served on the Tenants by leaving it in their mailbox on May 16, 2018. The landlord was not able to provide the tracking number from the registered mail receipt for the service of his Application for Dispute Resolution.

Issue(s) to be Decided:

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the 10 day Notice to End Tenancy dated May 16, 2018?
- b. Whether the tenants are entitled to an order cancelling a one month Notice to End Tenancy dated May 16, 2018.
- c. Whether the tenants are entitled to an order suspending or setting conditions on the landlord's right to enter the rental unit?
- d. Whether the tenant is entitled to recover the cost of the filing fee?
- e. Whether the landlord is entitled to an order for the early end of the tenancy and an Order for Possession?
- f. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The parties entered into a 2 year fixed term written tenancy agreement that provided that the tenancy would start on September 24, 2017. The rent is \$500 per month payable in advance. The tenant did not pay a security deposit.

The landlord testified the tenants failed to pay the rent.

The landlord further testified it appears that the Tenants are in the process of moving.

Tenant's Application to Cancel the 10 day Notice to End Tenancy and the one month Notice to End Tenancy.

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.

The tenants failed to attend the hearing. The landlord was present and ready to proceed. I order that the application of the Tenants to cancel the 10 day Notice to End Tenancy and the one month Notice to End Tenancy be dismissed. I also dismissed the Tenants application to set conditions on the landlord's right to enter and to recover the cost of the filing fee.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenants' application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for

Possession. As a result I granted the landlord an Order for Possession on 2 days notice.

The tenants must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Landlord's Application for an Early End to the Tenancy :

I determined the landlord failed to prove service of the landlord's Application for Dispute Resolution. He testified that it was sent by registered mail but he was not able locate the registered mail receipt.

As a result I dismissed the landlord's application.

Conclusion:

I dismissed the Tenant's application and granted an Order of Possession. I dismissed the landlord's application for an early end to the tenancy as the landlord failed to prove service.

This decision is final and binding on the parties.

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: July 17, 2018

Residential Tenancy Branch