



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC, CNC, RR, LRE, RP, FF

Introduction

On June 7, 2018, the Tenant made an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") for the following relief:

- to cancel a 1 Month Notice To End Tenancy For Cause.
- for an order for the Landlord to make repairs.
- for an order for the Landlord to provide services or facilities required by law.
- for money owed or compensation for damage or loss.
- to suspend or set conditions on the Landlords right to enter.
- To deduct the cost of repairs, services or facilities from the rent.
- for the Landlord to comply with the Act.

This matter was set for hearing by telephone conference call at 9:00 am on this date. The line remained open while the phone system was monitored for ten minutes and the applicant did not call into the hearing during this time. The Landlords called into the hearing with no apparent difficulty.

The Landlords provided affirmed testimony that the Tenant served them with the Notice of Dispute Resolution Proceeding on June 18, 2018, using email. While email is not an approved method of service under the Act, I find that the Landlords were served with notice of the hearing and were present and ready to proceed with the hearing.

The Tenant failed to provide a copy of the 1 Month Notice To End Tenancy For Cause with his application.

The Landlords testified that they issued the Tenant a 1 Month Notice To End Tenancy For Cause dated May 30, 2018. The Landlords testified that both pages of the Notice were served to the Tenant in person on May 30, 2018. The effective date of the 1 Month Notice is June 30, 2018.

The Landlords provided a copy of a 1 Month Notice To End Tenancy For Cause dated May 30, 2018, after the hearing.

The Tenant applied for Dispute Resolution to dispute the 1 Month Notice but did not appear at the hearing. Therefore, as the Applicant did not attend the hearing by 9:10 am, I dismiss the application to dispute the 1 Month Notice without leave to reapply.

The Landlords requested an order of possession for the rental property based on the issuance of the 1 Month Notice.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenant applied for Dispute Resolution to cancel a 1 Month Notice to End Tenancy but failed to attend the hearing. Therefore, I dismiss the Tenant's Application to cancel the 1 Month Notice To End Tenancy For Cause dated May 30, 2018.

Under section 55 of the Act, when a Tenants 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 regarding form and content, I must grant the Landlord an order of possession.

I find that the 1 Month Notice issued by the Landlords meets the requirements for form and content.

I find that the Landlords are entitled to an order of possession effective no later than 1:00 pm on July 31, 2018, after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The Tenant failed to attend the hearing. The Tenant's application to cancel the 1 Month Notice To End Tenancy For Cause dated May 30, 2018, and the other claims are dismissed without leave to reapply. The Landlords are granted an order of possession effective July 31, 2018.

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 26, 2018

Residential Tenancy Branch