



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding EVERGREEN LANDS CO.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, MT

Introduction

This decision is in respect of the tenants' application for dispute resolution made under the *Residential Tenancy Act* (the "Act") and filed on September 7, 2018. The tenants sought the following remedies under the Act:

1. an order to extend the time limit to make an application for dispute resolution to dispute a notice to end a tenancy, pursuant to section 66 of the Act; and,
2. an order to cancel a One Month Notice to End Tenancy for Cause, pursuant to section 47(4) of the Act.

A dispute resolution hearing was convened at 11:00 a.m. on October 25, 2018, and two agents for the landlord attended, were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses. The tenants did not attend.

While I have reviewed all oral and documentary evidence submitted that met the requirements of the *Rules of Procedure* and to which I was referred, only evidence relevant to the issues of this application are considered in my decision.

I note that section 55 of the Act requires that when tenants apply for dispute resolution seeking to cancel a notice to end tenancy issued by a landlord, I must consider if the landlord is entitled to an order of possession if the application is dismissed and the landlord's notice to end the tenancy complies with the Act.

Issues to be Decided

1. Are the tenants entitled to an order to extend the time limit to make an application for dispute resolution to dispute a notice to end a tenancy?
2. If yes, are the tenants entitled to an order to cancel a One Month Notice to End Tenancy for Cause (the “Notice”)?
3. If the tenants are not entitled to an order to cancel the Notice, is the landlord entitled to an order of possession of the rental unit?

Background and Evidence

The hearing commenced at 11:00 a.m. Two agents for the landlord were on the teleconference line. After waiting several minutes for the tenants to attend the hearing, which they did not, I then heard from the landlord’s agents. The landlord’s agent (G.B.) testified that he served the Notice on the tenants on August 23, 2018, by posting the Notice on the tenants’ door. Service was witnessed by a third-party individual (“B.H.”). The Notice indicated that the effective end of tenancy date was September 30, 2018.

In support of their position regarding the tenants’ application, the landlord submitted a package of documentary evidence which included a copy of a written tenancy agreement, a copy of the Notice, and a copy of the Proof of Service.

The hearing ended at 11:12 a.m., at which time I advised the agents that I would be issuing an order of possession of the rental unit.

Analysis

As the tenants did not attend the hearing, I dismiss their application for an order cancelling the Notice.

Section 55(1) of the Act states that if a tenant applies to dispute a landlord’s notice to end tenancy and their application for dispute resolution is dismissed, or the landlord’s notice is upheld, the landlord must be granted an order of possession if the notice complies with all the requirements of Section 52 of the Act.

Section 52 of the Act requires that any notice to end a tenancy issued by a landlord must (1) be signed and dated by the landlord, (2) give the address of the rental unit, (3)

state the effective date of the notice, (4) state the grounds for ending the tenancy, and (5) be in the approved form.

Having reviewed the Notice issued by the landlord on August 23, 2018, I find that the Notice complies with the requirements as set out in section 52.

Given the above, I hereby uphold the landlord's Notice and grant an order of possession of the rental unit to the landlord.

Conclusion

I dismiss the tenants' application without leave to reapply.

I hereby grant the landlord an order of possession, which must be served on the tenants and is effective two days from the date of service. This order may be filed in, and enforced as an order of, the Supreme Court of British Columbia.

This decision is final and binding, unless otherwise permitted by the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: October 25, 2018

Residential Tenancy Branch