



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC MNDCT FFT

Introduction

This hearing was scheduled to convene at 9:30 a.m. this date by way of conference call concerning an application made by the tenants seeking an order cancelling a notice to end the tenancy for cause; a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; and to recover the filing fee from the landlord for the cost of the application.

The landlord attended the hearing prepared to respond to the tenants' application, however the line remained open while the phone system was monitored for in excess of 10 minutes and no one for the tenants joined the call. Therefore, I dismiss the tenants' application in its entirety without leave to reapply.

The *Residential Tenancy Act* states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form. I have reviewed the One Month Notice to End Tenancy for Cause provided by the tenants as evidence for this hearing, and I find that it is in the approved form. It is dated August 3, 2018 and contains an effective date of vacancy of September 3, 2018. I have also reviewed the tenancy agreement which specifies that rent is payable on the 1st day of each month. A landlord must give such a notice the day before the day rent is payable under the tenancy agreement, and the *Act* states that incorrect effective dates are changed to the nearest date that complies with the law, which I find is September 30, 2018. I grant an Order of Possession in favour of the landlord effective at 1:00 p.m. on that date.

Conclusion

For the reasons set out above, the tenants' application is hereby dismissed in its entirety without leave to reapply.

I hereby grant an Order of Possession in favour of the landlord effective at 1:00 p.m. September 30, 2018.

This order is final and binding and may be enforced.

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: September 20, 2018

Residential Tenancy Branch