



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MT, CNR

### Introduction

This hearing was scheduled in response to the tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for:

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice") pursuant to section 66; and
- cancellation of the landlord's 10 Day Notice pursuant to section 46.

On November 4, 2018, tenants MP and AP applied for dispute resolution naming one individual as the respondent.

The tenants did not participate in the conference call hearing, which lasted approximately 10 minutes. The respondent attended the hearing and identified herself as the assistant property manager. A second party attend the hearing and identified herself as the property manager. Both parties explained that the tenants had incorrectly named the property manager as the landlord. The parties provided the correct name of the landlord who operates as a business and sought to amend the tenants' application. Pursuant to section 64 of the *Act*, I amend the tenants' application to reflect the correct name of the landlord who operates as a business.

The participating parties (collectively the "landlord") were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlords confirmed they were agents of the landlord's company named in this amended application, and had authority to speak on its behalf.

Because the tenants failed to attend the hearing and present their claim, I dismiss the tenants' claim without leave to reapply.

Section 55 of the *Act* establishes that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed.

#### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

#### Background and Evidence

As per the submitted tenancy agreement and testimony of the landlord, the tenancy began on June 1, 2018 on a fixed term until November 30, 2018. Rent in the amount of \$1,300.00 is payable on the first of each month. The tenants remitted a security deposit in the amount of \$650.00 at the start of the tenancy, which the landlord still retains in trust. The tenants continue to reside in the rental unit.

The landlord testified that the tenants were served with the 10 Day Notice on October 16, 2018 by regular mail. In accordance with sections 89 and 90 of the *Act*, I find that the tenants were deemed served with the 10 Day Notice on October 21, 2018, five days after it was mailed.

#### Analysis

Section 52 of the *Act* provides that a notice to end tenancy from a landlord must be in writing and must be signed and dated by the landlord, give the address of the rental unit, state the effective date of the notice, state the grounds for ending the tenancy, and be in the approved form.

Based on the landlord's testimony and the 10 Day Notice before me, I find the 10 Day Notice complies in form and content. As the 10 Day Notice complies in form and content and as the tenants' application has been dismissed I find that the landlord is entitled to an order of possession, pursuant to section 55 of the *Act*.

#### Conclusion

The tenants' entire application is dismissed without leave to reapply.

An order of possession is granted to the landlord effective **two (2) days after service on the tenant**.

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: December 11, 2018

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Residential Tenancy Branch