



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNL, OLC

Introduction

On November 20, 2018, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") asking to cancel a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit; and for the Landlord to comply with the Act, Regulation, or tenancy agreement. On November 27, 2018, the Tenants submitted an Application for Dispute Resolution under the *Act* asking to cancel a 1 Month Notice To End Tenancy For Cause dated November 26, 2018.

The matter was set for a conference call hearing. The Landlords appeared at the hearing; however, the Tenants did not.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

The Landlord testified that the Tenant did provide the Landlord's full name on the application. The Landlord provided his full name. The Tenants' application is amended to include the Landlords full name.

Issues to be Decided

- Is the Landlord entitled to an order of possession of the rental unit?

Background and Evidence

The Landlord testified that the tenancy began on March 1, 2015, and is on a month to month basis. Rent in the amount of \$1,154.00 is to be paid by the first day of each month. The Tenant

paid the Landlord a security deposit in the amount of \$530.00 and a pet damage deposit of \$555.00.

The Landlord testified that he issued the Tenant the following notices to end tenancy:

- 1 Month Notice To End Tenancy For Cause dated November 26, 2018, with an effective date of December 31, 2018.
- Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit dated October 23, 2018, with an effective date of February 28, 2019.

The reason for ending the tenancy in the Four Month Notice is that the Landlord is going to perform renovations or repairs that are so extensive that the rental unit must be vacant.

The Four Month Notice provides information for Tenants who receive the Notice. The Notice states that a Tenant has the right to dispute the Notice within 30 days after it is received by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

The Tenant disputed the Four Month Notice on November 20, 2018.

The Landlord issued the Tenant a 1 Month Notice to End Tenancy for Cause dated November 26, 2018. The Landlord testified that the notice was served to the Tenant on November 26, 2018 by posting it to the Tenants' door. The reason for ending the tenancy in the 1 Month Notice is that the Tenant has breached a material term of the tenancy agreement.

The 1 Month Notice provides information for Tenants who receive the Notice. The Notice states that a Tenant has the right to dispute the Notice within 10 days after it is received by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

The Tenants disputed the 1 Month Notice on November 27, 2018.

The Tenants disputed both of the notices to end tenancy but failed to attend the hearing to proceed with the disputes.

Since the Tenants have failed to appear, and the Landlords were present and ready to proceed, the Tenants' applications to cancel the notices are dismissed without leave to reapply.

The Landlord requested an order of possession for the rental unit.

Analysis

Under section 55 of the Act, when a Tenant's 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 complies with the requirements regarding form and content and I find that the effective date of the 1 Month Notice has passed. I find that the Landlord is entitled to an order of possession effective two (2) days after service on the Tenants. This order of possession may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The Tenants failed to attend the hearing to pursue their applications to dispute the notices to end tenancy.

The Tenants applications to cancel the Four Month Notice to End Tenancy, and the 1 Month Notice to end tenancy are dismissed.

I grant the Landlord an order of possession effective two days after service on the Tenants. The Tenants must be served with the order of possession.

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: January 07, 2019

Residential Tenancy Branch