



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants filed under the Residential Tenancy Act (the “Act”) to cancel One Month Notice to End Tenancy for Cause, issued on June 30, 2019, and to recover the filing fee.

This matter was set for hearing by telephone conference call at 11:00 A.M on this date. The line remained open while the phone system was monitored for the duration of the hearing and the only participant who called into the hearing during this time was the respondent landlord.

In this case, the tenants made an application to dispute the Notice. I find it is reasonable to conclude that in the absence of the tenants that they are no longer disputing the merits of the Notice. Therefore, I dismiss the tenants’ application to cancel the Notice without leave to reapply, as any future application to cancel the Notice would be outside the statutory time limits.

Since I have dismissed the tenants’ application, I find it is not necessary to consider the merits of the Notice. However, I find that I must consider whether the landlord has met the statutory requirements under the Act to end the tenancy.

I accept the evidence of the landlord that the Notice was completed in accordance with Part 4 of the Act - How to End a Tenancy, pursuant to section 47 of the Act. A copy of the Notice was filed in evidence for my review and consideration.

I find the Notice was completed in the approved form and the contents meets the statutory requirements under section 52 the Act.

Further, I accept that the tenants were served with the Notice in compliance with the service provisions under section 88 of the Act, which the tenants acknowledged service of the Notice in their application.

I am satisfied based on the landlord's evidence that the landlord has met the statutory requirements under the Act to end a tenancy.

Since I have dismissed the tenants' application to cancel the Notice, and I have found the landlord has met the statutory requirements under the Act to end the tenancy. I find the landlord is entitled to an order of possession pursuant to section 55 of the Act.

As the tenants have not paid rent for August 2019, and the effective date of the Notice has past. I find that the landlord is entitled to an order of possession effective **two days** after service on the tenants. This order may be filed in the Supreme Court and enforced as an order of that Court. The **tenants are cautioned** that costs of such enforcement are recoverable from the tenants.

Conclusion

The tenants' application is dismissed. The landlord has met the statutory requirements to end the tenancy and is granted an 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: August 12, 2019

Residential Tenancy Branch