



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, DRI, OLC, MNDCT, FFT

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act") to cancel a One Month Notice to End Tenancy for Cause dated July 3, 2019 ("One Month Notice"), for a monetary claim of an undefined amount for money owed or compensation for damage or loss under the Act, for an order directing the Landlords to comply with the Act, regulation or tenancy agreement, and to recover the cost of their \$100.00 filing fee.

A lawyer for the Landlord, P.S. (the "Lawyer"), appeared at the teleconference hearing, but no one attended on behalf of the Tenants. The Tenants were provided with a copy of the Notice of a Dispute Resolution Hearing on July 2, 2019; however, the Tenants did not attend the teleconference hearing scheduled for August 15, 2019 at 9:30 a.m. (Pacific Time). The phone line remained open for 20 minutes and was monitored throughout this time. The only person to call into the hearing was the Lawyer, who indicated that he was ready to proceed.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure (the "Rules") states that the dispute resolution hearing will commence at the scheduled time, unless otherwise set by the arbitrator. The Lawyer and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 9:30 a.m. on August 15, 2019, as scheduled.

Rule 7.3 of the Rules of Procedure states that if a Party or their Agent fails to attend the hearing, the Arbitrator may conduct the dispute resolution hearing in the absence of that Party or dismiss the application, with or without leave to reapply. The teleconference line remained open for 20 minutes; however, neither the Applicants nor an Agent acting on their behalf attended to provide any evidence or testimony for my consideration. As a result, and pursuant to rule 7.3 of the Rules of Procedure, I **dismiss the Tenants' Application without leave to reapply.**

Preliminary and Procedural Matters

Section 55 of the Act requires that when a tenant submits an application 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. This is the case if the application is dismissed and the landlord has issued a notice to end tenancy that is compliant with Section 52 of the Act.

Issue(s) to be Decided

- Should the One Month Notice be confirmed or cancelled?
- Is the Landlord entitled to an order of possession?

Background and Evidence

The Lawyer explained that the periodic tenancy began in October 2017, with a monthly rent of \$1,000.00, due on the first day of each month. The Lawyer said the Tenants paid a security deposit of \$300.00, and no pet damage deposit. The Lawyer said that the Tenants paid their rent for August 2019.

The Landlord's documentary evidence indicates that they served a One Month Notice on the Tenants on July 3, 2019, in person with an effective vacancy date of August 3, 2019, which is automatically corrected to August 31, 2019, pursuant to section 53 of the Act. The ground checked off for issuing the One Month Notice was because:

The Tenant or a person permitted on the property by the tenant has:

- Significantly interfered with or unreasonably disturbed another occupant or the Landlord,

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

When I consider all the evidence before me overall, and with no evidence to the contrary, I find that the Landlord has provided sufficient evidence to meet their burden of proof on a balance of probabilities, and to support the validity of the One Month Notice. I also find that the One Month Notice issued by the Landlord complies with section 52 of

the Act as to form and content. Given the above, and pursuant to section 55 of the Act, I find that the Landlord is entitled to an Order of Possession.

Conclusion

The Tenants' Application is dismissed without leave to reapply, as the Tenants or an Agent for the Tenants did not attend the hearing to present the merits of the Application. The Respondent Landlord's lawyer did attend the hearing and was ready to proceed.

Pursuant to section 52 of the Act, I find that the One Month Notice served on the Tenants on July 3, 2019, is valid and confirmed. Pursuant to section 55 of the Act, I award the Landlords with an order of possession effective August 31, 2019 at 1:00 p.m.

This decision does not extend any applicable time limits under the Act.

This decision will be emailed to the address provided by the Lawyer during the hearing and to the email address provided by the Tenants in the Application.

Dated: August 16, 2019

Residential Tenancy Branch