



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, PSF, LRE, FF

Introduction

On October 5, 2019 the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") seeking to cancel a One Month Notice to End Tenancy. On October 14, 2019 the Tenants submitted another Application for Dispute Resolution under the *Act* seeking to cancel a One Month Notice to End Tenancy for Cause dated September 30, 2019 for Cause ("the One Month Notice").

The hearing was scheduled as a teleconference hearing at 11:00 am on this date. The Landlord appeared at the hearing; however, the Tenants did not. The line remained open while the phone system was monitored for ten minutes and the Tenants did not call into the hearing during this time. Therefore, as the Applicants did not attend the hearing to pursue their dispute by 11:10 am, I dismiss the claim without leave to reapply.

The Landlord provided affirmed testimony and was provided the opportunity to present her evidence orally and in written and documentary form and make submissions to me.

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 Tenants application does not provide the full name of the respondent / Landlord. I amend the application to provide the correct name of the Landlord's agent who attended the hearing to pursue enforcement of a One Month Notice To End Tenancy For Cause dated September 30, 2019.

Issues to be Decided

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

Background and Evidence

The Landlord testified that the tenancy began in 2001 as a one year fixed term tenancy that continued thereafter on a month to month basis. Rent in the amount of \$750.00 is to be paid to the Landlord by the first day of each month.

The Landlord testified that she served the Tenants with a One Month Notice To End Tenancy For Cause dated September 30, 2019, by posting the Notice to the Tenants door. The Landlord testified that the Tenants received the Notice on September 30, 2019. The Landlord testified that the Notice contains the following reasons for ending the tenancy:

*Tenant has allowed an unreasonable number of occupants in the unit
Tenant or a person permitted on the property by the Tenant has:*

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

The Landlord provided a copy of the One Month Notice at the conclusion of the hearing.

The One 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 receiving it by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

The Tenants applied for Dispute Resolution on October 5, 2019 and October 14, 2019 to dispute the One Month Notice but did not appear at the hearing.

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

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

I find that the Landlord served the Tenants with the One Month Notice on September 30, 2019.

The Tenants applied for Dispute Resolution to cancel the One Month Notice to End Tenancy but failed to attend the hearing to pursue the dispute. Therefore, I dismiss the Tenants' Application to cancel the One Month Notice to End Tenancy for Cause dated September 30, 2019.

Under section 55 of the Act, when a Tenants 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 One Month Notice issued by the Landlords meets the requirements for form and content.

I find that the Landlord is entitled to an order of possession for the rental unit effective on December 31, 2019, after service on the Tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The Tenants disputed the One Month Notice but failed to attend the hearing. The Tenants' application to cancel the One Month Notice is dismissed. The Landlords are granted an order of possession for the rental unit effective December 31, 2019.

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 09, 2019

Residential Tenancy Branch