



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, LRE, FFT

### Introduction

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a one month notice to end the tenancy - Section 47;
2. An Order restricting the Landlord’s entry - Section 70; and
3. An Order to recover the filing fee - Section 72.

The conference call hearing was set for 11:00 a.m. on this date. The Arbitrator called in to the hearing at the scheduled time. The line remained open while the phone system was monitored for the duration of the hearing that lasted 24 minutes. The only Party who called into the hearing during this time was the Landlord who was ready to proceed. It was confirmed that the correct call-in numbers and participant codes were provided in the Notice of Hearing to the Tenants. As the Tenants did not attend the hearing to pursue their application, I dismiss their application without leave to reapply. The Landlord was given full opportunity to be heard, to present evidence and to make submissions. The Landlord confirms that its email as set out in the Tenants’ application is correct.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background and Evidence

The tenancy under written agreement started on December 7, 2019. Rent of \$1,975.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$987.50 as a security deposit and \$987.50 as a pet deposit. On March 2, 2020 the Landlord served the Tenants with a one month notice to end tenancy for cause (the "Notice") by posting the Notice on the door of the unit. The service was witnessed by another person. The Notice is dated March 2, 2020, is on the Residential Tenancy Branch (the "RTB") approved form, is signed by the Landlord, sets out the dispute address and an effective move-out date of April 30, 2020. The Notice sets out two reasons for ending the tenancy along with details for those reasons.

### Analysis

Section 55(1) provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a 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 or the landlord's notice is upheld. Section 52 of the Act provides that in order to be effective, a notice to end a tenancy must be in writing and must

- (a) be signed and dated by the landlord or tenant giving the notice,
- (b) give the address of the rental unit,
- (c) state the effective date of the notice,
- (d) except for a notice under section 45 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and
- (e) when given by a landlord, be in the approved form.

Given that the required form and content is contained on the Notice, accepting that the undisputed details on the Notice support the end of the tenancy, and given the dismissal of the Tenants' application I find that the Landlord is entitled to an order of possession.

Conclusion

The Tenants' application is dismissed.

**I grant** an Order of Possession to the Landlord. The Tenants must be served with this **Order of Possession**. Should the Tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the RTB under Section 9.1(1) of the Act.

Dated: April 21, 2020

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Residential Tenancy Branch