



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNE-MT, CNQ-MT**

Introduction

This hearing dealt with the tenants' application pursuant to section 66, 48 and 49 of the *Residential Tenancy Act* (the "*Act*") for more to file their application and to cancel a 1 Month Notice to End Tenancy for End of Employment and a 2 Month Notice to End Tenancy as the Tenant No Longer Qualifies for a Subsidized Rental Unit.

This matter was set for hearing by telephone conference call at 9:30 am. on this date. The line remained open while the phone system was monitored for fifteen minutes and the only participant who called into the hearing during this time was the corporate respondent's agent (the "landlord").

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Consequences of not attending the hearing – 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.

Therefore, as the applicants did not attend the hearing by 9:40 am, and the respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

At the outset of the hearing the landlord corrected the name provided on the application. The corrected corporate entity is identified in the style of cause.

Section 55 of the *Act* provides that:

If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

- (a) the landlord's notice to end tenancy complies with section 52 [form and content of notice to end tenancy], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I note that while the tenants have applied to dispute a 1 Month Notice for End of Employment, the actual 1 Month Notice submitted is issued for cause. I have dismissed the tenant's application, and I find that the 1 Month Notice complies with the form and content requirements of section 52 as it is signed and dated by the landlord's agent, provides the address of the rental unit, the effective date of the notice, and the grounds for the tenancy to end. I accept the undisputed evidence of the various unreasonable disturbance, repeated late rent payments and significant interference that gave rise to the issuance of the notice. Accordingly, I find that the landlord is entitled to an Order of Possession pursuant to section 55. As the effective date of the notice has passed, I issue an Order of Possession effective two (2) days after service.

Conclusion

The tenants' application is dismissed in its entirety without leave to reapply.

I grant an Order of Possession to the landlord effective **2 days after service on the tenants**. Should the tenants or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: November 2, 2020

Residential Tenancy Branch