



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, OLC  
OPR-DR

### Introduction

This hearing was scheduled to convene at 9:30 a.m. this date by way of conference call concerning applications made by 2 tenants as against 1 landlord, and by a landlord and a landlord company as against 1 tenant. The tenants have applied for an order cancelling a notice to end the tenancy for unpaid rent or utilities and for an order that the landlord comply with the *Residential Tenancy Act*, regulation or tenancy agreement. The landlords have applied for an Order of Possession for unpaid rent or utilities. The landlords' application was made by way of the Direct Request process which was adjourned to this participatory hearing and an Interim Decision was provided to the parties.

The individual landlord attended the hearing and gave affirmed testimony, however the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony and no one for the tenants joined the call.

The landlord testified that the tenant was served with the landlord's application, notice of this hearing and evidence by registered mail on October 30, 2020 and has provided a copy of a Registered Domestic Customer Receipt and Canada Post cash register receipt bearing that date, and I am satisfied that the tenant has been served in accordance with the *Residential Tenancy Act*.

Since the tenants have not joined the hearing, I dismiss the tenants' application in its entirety without leave to reapply.

### Issues to be Decided

Has the landlord established that the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities was issued in accordance with the *Residential Tenancy Act*?

### Background and Evidence

The landlord testified that the tenants have not served the landlord with the tenants' Application for Dispute Resolution or any evidentiary material.

This fixed-term tenancy began on March 14, 2020 and the landlord is not sure if the tenant has vacated the rental unit. Rent in the amount of \$1,350.00 is payable on the 14<sup>th</sup> day of each month. At the outset of the tenancy the landlords collected a security deposit from the tenant in the amount of \$675.00 which is still held in trust by the landlords, and no pet damage deposit was collected. The rental unit is the upper level of a house, and the lower level is also tenanted. A copy of the tenancy agreement has been provided as evidence for this hearing, which names 1 tenant.

The landlord further testified that the tenant failed to pay rent in full, and as of September 17, 2020 was in arrears of rent \$1,425.00, and has not paid any rent for October, November or December, 2020. On September 17, 2020 the landlord served a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the Notice) by registered mail. A copy has been provided by the landlord, however only 2 of the 3-page notice has been provided. It is dated September 17, 2020 and contains an effective date of vacancy of October 3, 2020 for unpaid rent in the amount of \$1,425.00 that was due on September 17, 2020 and unpaid utilities in the amount of \$540.00 following written demands on June 27, 2020 and September 6, 2020. The tenants have provided evidentiary material, which includes a 3-page Notice. The landlord has also provided a Registered Domestic Customer Receipt and a Canada Post cash register receipt bearing a date of September 17, 2020.

The landlord seeks an Order of Possession.

### Analysis

The *Residential Tenancy Act* specifies that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form.

I have reviewed the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, and I have compared it with the Notice provided as evidence by the tenants. I find that the first 2 pages are identical, and the copy provided by the tenants is in the approved form.

The Interim Decision made after considering the landlords' Direct Request application indicates that the landlords had not provided all 3 pages of the 3-page notice. In this hearing, the landlord testified that all 3 pages were served on the tenants. The tenants,

although they did not appear at the hearing, have uploaded all 3 pages. I am therefore satisfied that the notice given is in the approved form, and I find that the landlords are entitled to an Order of Possession. Since the effective date of vacancy has passed, I grant the Order of Possession effective on 2 days notice to the tenant.

Since the landlords have been successful with the application, the landlords are also entitled to recovery of the \$100.00 filing fee, and I order the landlord to keep \$100.00 of the security deposit held in trust as recovery.

### Conclusion

For the reasons set out above, the tenants' application is hereby dismissed in its entirety without leave to reapply.

I hereby grant an Order of Possession in favour of the landlords effective on 2 days notice to the tenants.

I hereby order the landlords to keep \$100.00 of the security deposit held in trust as recovery of the filing fee.

This order is final and binding and may be enforced.

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 10, 2020

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Residential Tenancy Branch