



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, OLC, FFL

Introduction

This was a cross-application hearing for Dispute Resolution under the *Residential Tenancy Act* (“the Act”). The matter was set for a conference call hearing.

On December 30, 2020, the Landlords applied requesting an order of possession based on the issuance of a Four Month’s Notice to End Tenancy for Demolition, Renovation, Repair, or conversion of a Rental Unit that was served and not disputed.

On January 10, 2021, the Tenants applied requesting that the Landlord comply with the Act, Regulation, or tenancy agreement.

The Landlords attended the hearing; however, the Tenants did not. The line remained open while the phone system was monitored for fifteen minutes and the Tenants did not call into the hearing during this time.

The Landlords testified that they served the Tenants with the Notice of Dispute Resolution Proceeding using registered mail sent on January 7, 2021. The Landlords provided a copy of the registered mail receipts and a photograph of the envelope as proof of service.

I find that the Tenants were served with notice of the hearing in accordance with sections 89 and 90 of the Act. The Tenants are deemed to have received notice of the hearing on January 12, 2021, five days after notice was mailed.

The Tenants failed to attend the hearing to pursue their application or to respond to the Landlords’ application.

The Landlords were provided with the opportunity to present oral testimony and to make submissions during the hearing.

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.

Issues to be Decided

- Is the tenancy ending based on a Four Month's Notice to End Tenancy for Demolition, Renovation, Repair or conversion of a Rental Unit that was received and not disputed?
- Is the Landlord entitled to an order of possession for the rental unit?

Background and Evidence

The Landlords testified that the tenancy began on February 1, 2019 as a one-year fixed term tenancy. Rent in the amount of \$1,500.00 is to be paid to the Landlords by the first day of each month. The Tenants paid the Landlords a security deposit in the amount of \$750.00.

The Landlords testified that they issued the Tenants a Four Months' Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of a Rental Unit. The reason for ending the tenancy cited within the Notice is that the Landlord is going to demolish the rental unit. The Notice indicates that Landlord has obtained all permits and approvals required by law to do this work and the Notice provides a permit number from the city.

The Landlords testified that the Four Month Notice was served in person to the Tenant on November 29, 2020. The Landlords provided a copy of the four-page Four Month Notice.

The Four Month Notice provides information for tenants who receive the notice. The Notice provides that a tenant has the right to dispute the notice within 30 days after it is received by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

There is no evidence before me that the Tenants disputed the Four Month Notice.

The Landlords provided a copy of a city permit dated November 12, 2020 issued for demolition of the dispute address. The permit has the same permit number as indicated within the Four Month Notice.

Analysis

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

The Tenants failed to attend the hearing to pursue their application or to respond to the Landlords' application.

I find that the Landlords served the Tenants with a Four Months' Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of a Rental Unit dated November 29, 2020.

I find that the Landlord had obtained a permit to demolish the rental unit before the Four Month Notice was issued to the Tenants.

I find that the Tenants received the Four Month Notice on November 29, 2020 and failed to dispute the Notice. The tenancy is ending.

I find that the Four Month Notice complies with the requirements regarding form and content and I find that the Landlords are entitled to an order of possession effective by 1:00 pm on March 31, 2021, 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 failed to attend the hearing to pursue their application. The Tenants' application is dismissed.

The tenancy is ending due to service of a Four Month Notice to End Tenancy for Demolition, Renovation, Repair, or conversion of a Rental Unit that was received by the Tenants and not disputed.

I grant the Landlords an order of possession for the rental unit effective by 1:00 pm on March 31, 2021, after service on the Tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

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: March 25, 2021