



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

The tenants filed an Application for Dispute Resolution on February 3, 2021 seeking an order that the landlord cancel or withdraw the One-Month Notice to End Tenancy. The matter proceeded by way of a hearing pursuant to section 74(2) of the *Residential Tenancy Act* (the “Act”) on May 4, 2021.

The landlord attended the hearing, the tenants did not. In the conference call hearing I explained the process and offered the landlord the opportunity to ask questions. I provided the landlord the opportunity to present oral testimony and make oral submissions during the hearing.

Issue(s) to be Decided

Are the tenants entitled to an order that the landlord cancel or withdraw the Notice?

If the tenants are unsuccessful in seeking to cancel the One-Month Notice, are the landlords entitled to an order of possession pursuant to section 55(4) of the *Act*?

Background and Evidence

I have reviewed all evidence before me; however, only the evidence and submissions relevant to the issues and findings in this matter are described in this section.

The landlord presented the terms of the tenancy agreement. It was signed on September 30, 2019 by the landlord, and one of the tenants. The move-in date was

October 1, 2019. The monthly rent was \$1,850.00 per month, payable on the first of each month. The two deposits total amount is shown on the agreement to be \$1,850.

The landlord issued the One-Month Notice for Cause. This was sent to the tenants via registered mail. The landlord provided evidence to show the reasons for ending the tenancy are those which are reflected in the details section on page 3 of the One-Month Notice. This involves bylaw infractions concerning an unkempt property area, as well as noise complaints. The tenants did not attend the hearing to challenge this evidence. There is also evidence of complaints from other tenants in the same rental unit property.

Analysis

Section 47(1) of the *Act* states that a landlord may end a tenancy for any of the reasons listed therein. One of the reasons is that of the tenants' significant interference or unreasonable disturbance to another occupant or the landlord. That is what the landlord indicated on page 2 of the One-Month Notice.

Section 47(4) of the *Act* states that within 10 days of receiving a notice a tenant may dispute it by filing an Application for Dispute Resolution.

I am satisfied that when the landlords issued the One-Month Notice they had valid reasons for doing so. The evidence presented by the landlord in this hearing bears this out. I am satisfied the landlord issued the One-Month Notice on January 19, and the tenants received it by registered mail. There is no evidence contrary to that of the landlord presented in the hearing. This finding is also supported by the fact the tenant applied to dispute the One-Month Notice on February 3, 2021.

The tenants' application to cancel the One-Month Notice is dismissed. The tenancy is ending.

Under section 55 of the *Act*, when a tenant's application to cancel a Notice to end tenancy is dismissed and I am satisfied the One-Month Notice 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 complies with the requirements of form and content. The landlord is entitled to an order of possession on the effective date

Conclusion

As the applicant tenants did not attend to present their Application, I dismiss the tenants' application for a cancellation of the One-Month Notice, without leave to reapply.

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

Conclusion

As the Applicants did not attend to present their Application, I dismiss the tenants' application for a cancellation of the Notice, without leave to reapply.

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: May 04, 2021

Residential Tenancy Branch