



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Nacel properties Properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **LRE, CNC-MT, FFT**

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") pursuant to section 66;
- cancellation of the landlord's 1 Month Notice pursuant to section 47;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

At the outset of the hearing the landlords noted a typographic error in the corporate landlord's name. The corrected name for the landlord is used in the style of cause for this decision.

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This matter was set for hearing by telephone conference call at 1:30 pm on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time were the agents for the corporate respondent.

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 applicant did not attend the hearing by 1:40 pm, and the respondent appeared and was ready to proceed, I dismiss the tenants' claim in its entirety without leave to reapply.

Residential Tenancy Policy Rule of Procedure 3.7 provides that evidence submitted by a party must be organized, clear and legible. While the tenant submitted into documentary evidence a copy of the 1 Month Notice, the evidence was in the form of an out of focus photograph which was difficult to read. I allowed the landlord to provide a complete and legible copy of the 1 Month Notice into evidence.

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 have dismissed the tenants' application, and I find that the landlord's 1 Month Notice complies with the form and content requirements of section 52 as it is signed and dated by the agent of the corporate landlord, provides the address of the rental unit, the effective date of the notice, and the grounds for the tenancy to end.

The landlord indicated that the reason for the issuance of the notice is that the tenant has allowed an unreasonable number of occupants in the rental unit. The landlords testified that the tenant has allowed multiple occupants to reside in the rental unit without prior authorization or notice. I find the landlord's undisputed testimony and submissions to be sufficient to find that the tenant has allowed an unreasonable number of occupants to reside in the rental unit.

I therefore 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 tenant's 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: June 22, 2021

Residential Tenancy Branch