



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNR, FFT, CNC**

Introduction

The words tenant and landlord in this decision have the same meaning as in the *Residential Tenancy Act*, (the "Act") and the singular of these words includes the plural.

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

- An order to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities pursuant to sections 46 and 55;
- Authorization to recover the filing fee for this application from the opposing party pursuant to section 72; and
- An order to cancel a One Month Notice To End Tenancy for Cause pursuant to sections 47 and 55.

The tenant JDR ("tenant") attended at the date and time set for the hearing of this matter. The landlords did not attend this hearing, although I left the teleconference hearing connection open until 11:25 a.m. in order to enable the landlords to call into this teleconference hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the tenant and I were the only ones who had called into this teleconference.

As only the tenant attended the hearing, I asked the tenant to confirm that she had served the landlords with 2 copies of the Notice of Dispute Resolution Proceeding for this hearing. The tenant testified that she had served the landlords with the notices by posting 2 copies of it to the door of the landlords' residence on May 13, 2021. The tenant testified that she served the landlords with a single copy of the amendment filed on August 23rd by posting a single copy of it to the door of the landlord's residence on August 24th. The tenant testified that the landlords returned the amendment package the evening of August 24th by placing it on a table on the tenant's front porch.

I am satisfied the landlords were served with the Notice of Dispute Resolution Proceedings package three days after it was posted to the door at their residential address, or May 17, 2021 in accordance with sections 89 and 90 of the *Act*. I am satisfied the landlords were served with the amendment three days after it was posted to the door of their residential address, on August 26, 2021 in accordance with sections 88 and 90 of the *Act*. This hearing proceeded in the absence of the landlords.

Preliminary Issues

One of the notices to end tenancy the tenant seeks to dispute is a One Month Notice to End Tenancy for Cause that provides an effective (move-out) date of September 15, 2021. The tenant testified that she accepts the validity of that notice to end tenancy and will vacate the rental unit by 1:00 p.m. on September 15, 2021.

Given the tenant's agreement to end the tenancy, I order that the tenancy ends at 1:00 p.m. on September 15, 2021 pursuant to section 44(1)(f) of the *Act*. To give the parties greater certainty, I issue an order of possession in favour of the landlord, effective September 15, 2021 at 1:00 p.m.

Based solely on the tenant's acceptance of the validity of the One Month Notice to End Tenancy for Cause, I dismiss the tenant's application to dispute the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities without leave to reapply. I make no finding on the validity of that notice and I decline to grant an order requiring payment of rent to the landlord as contemplated by section 55(4) of the *Act*.

The decision to order payment of the filing fee is discretionary upon the arbitrator and in accordance with section 72 of the *Act*, the tenant's filing fee will not be recovered.

Conclusion

I grant an order of possession to the landlord effective September 15, 2021 at 1:00 p.m.

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: September 07, 2021

Residential Tenancy Branch