



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, RP, RR, OLC, FF

### Introduction

On October 15, 2021, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) seeking to cancel a One Month Notice to End Tenancy for Cause received on October 8, 2021. The Tenants also applied for an order for the Landlord to make repairs, for a rent reduction, and to recover the filing fee for the Application.

The matter was scheduled as a teleconference hearing at 11:00 am on this date. The Landlord’s agent appeared at the hearing; however, the Tenants did not.

The line remained open while the phone system was monitored for twelve minutes and the Tenants did not call into the hearing during this time. Therefore, as the Applicants did not attend the hearing by 11:12 am, I dismiss the Tenants’ application without leave to reapply.

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.

### Issue to be Decided

- Is the Landlord entitled to an order of possession based on a One Month Notice issued on October 8, 2021?

### Background and Evidence

The Landlord testified that the tenancy began on December 1, 2020 as a one-year fixed term tenancy that continued thereafter on a month-to-month basis. Rent in the amount

of \$1,600.00 is due by the first day of each month. The Tenant paid the Landlord a security deposit of \$800.00.

The Landlord testified that she served the Tenant with a One Month Notice to End Tenancy for Cause dated October 25, 2021. The Landlord provided a copy of the One Month Notice. The Landlord selected the following reasons for ending the tenancy within the One Month Notice:

*Tenant or a person permitted on the property by the Tenant has:*

- *Significantly interfered with or unreasonably disturbed another occupant or the Landlord.*

The Tenant did not attend the hearing; however, the Tenants' application indicates she is disputing a One Month Notice received on October 8, 2021. The Tenants' documentary evidence does not contain a One Month Notice dated October 8, 2021. The Tenants' evidence contains an October 8, 2021 warning letter issued by the Landlord.

There is no documentary evidence before me that a One Month Notice to End Tenancy for Cause was issued by the Landlord and received by the Tenants on October 8, 2021.

Based on the evidence before me, the Landlord is not entitled to end the tenancy by way of a warning letter and is not entitled to receive an order of possession for the rental unit.

While it appears that the Landlord did issue the Tenant a One Month Notice to End Tenancy for Cause dated October 25, 2021, that One Month Notice was not included in the dispute by the Tenant; therefore, is not properly before me.

The Landlord is at liberty to apply for dispute resolution seeking an order of possession based on the undisputed One Month Notice to End Tenancy for Cause dated October 25, 2021.

The Tenants failed to attend the hearing to pursue their application which included a dispute of a notice to end tenancy. The Tenants' application is dismissed in its entirety.

The tenancy will continue until ended in accordance with the Act.

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: November 18, 2021