



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, OLC

### Introduction

This hearing was scheduled to convene at 11:00 a.m. on July 14, 2023 by way of conference call concerning an application made by the tenant seeking an order cancelling a One Month Notice to End Tenancy for Cause and for an order that the landlord comply with the *Residential Tenancy Act*, regulation or tenancy agreement.

The landlord attended the hearing and gave affirmed testimony, however the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony and no one for the tenant joined the call.

### Issue(s) to be Decided

Has the landlord established that the One Month Notice to End Tenancy for Cause was issued in accordance with the *Residential Tenancy Act*?

### Background and Evidence

The landlord testified that this month-to-month tenancy began on September 1, 2022 and the tenant still resides in the rental unit. Rent in the amount of \$800.00 is payable on the 1<sup>st</sup> day of each month. At the outset of the tenancy the landlord collected a security deposit from the tenant in the amount of \$400.00 which is still held in trust by the landlord, and no pet damage deposit was collected. The rental unit is a single occupancy room. There is no written tenancy agreement.

The landlord further testified that on March 6, 2023 the landlord served the tenant with a One Month Notice to End Tenancy for Cause by posting it to the door of the rental unit. A copy has been provided by the tenant for this hearing, and it is dated March 6, 2023

and contains an effective date of vacancy of April 6, 2023. The reasons for issuing it state:

- Tenant has allowed an unreasonable number of occupants in the unit/site/property/park;
- Tenant is repeatedly late paying rent.

The tenant's girlfriend has moved into the rental unit with the tenant and the fire inspector told the landlord that only 1 person is permitted in a single occupancy room.

The tenant has been late with rent for the months of April, May, June and July and currently owes \$3,200.00 in unpaid rent.

### Analysis

Firstly, the landlord attended the hearing prepared to respond to the tenant's application, but the tenant has not joined the call. Therefore, I dismiss the tenant's application in its entirety without leave to reapply.

The *Residential Tenancy Act* specifies that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an order of possession in favour of the landlord, so long as the Notice given is in the approved form.

I have reviewed the One Month Notice to End Tenancy for Cause provided as evidence by the tenant, and I find that it is in the approved form and contains information required by the *Act*. Therefore, I grant an order of possession in favour of the landlord.

Since the Notice was served on March 6, 2023 by posting it to the door of the rental unit, it is deemed to have been received 3 days later, or March 9, 2023. Additionally, since rent is payable on the 1<sup>st</sup> day of the month, the effective date of vacancy is changed to the nearest date that complies with the law, which is the end of the month following service, or April 30, 2023. Since that date has passed, I grant the Order of Possession effective on 2 days notice to the tenant. The order of possession must be served on the tenant and may be filed for enforcement in the Supreme Court of British Columbia.

### Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety without leave to reapply.

I hereby grant an order of possession in favour of the landlord effective on 2 days notice to the tenant.

This order is final and binding and may be enforced.

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: July 14, 2023

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Residential Tenancy Branch