



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL FFT OLC PSF

Introduction

This decision is in respect of the tenants' application for dispute resolution under the *Residential Tenancy Act* (the "Act"). The tenants sought the following remedies under the Act:

1. an order cancelling a Two Month Notice to End Tenancy for Landlord's Use (the "Notice");
2. an order for the landlord to comply with the Act, regulations, or the tenancy agreement;
3. an order for the landlord to provide services or facilities required by the Act or the tenancy agreement; and,
4. an order for compensation for recovery of the filing fee.

A dispute resolution hearing was convened on Thursday, November 8, 2018, and the landlord and her mother-in-law attended. The parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses. The tenants did not attend.

While I have reviewed all oral and documentary evidence submitted that met the requirements of the *Rules of Procedure* and to which I was referred, only evidence relevant to the issues of this application are considered in my decision.

I note that section 55 of the Act requires that when a tenant applies for dispute resolution seeking to cancel a notice to end tenancy issued by a landlord, I must consider if the landlord is entitled to an order of possession if the application is dismissed and the landlord's notice to end tenancy complies with the Act.

Issues

1. Are the tenants entitled to an order cancelling the Notice?
2. Are the tenants entitled to an order for the landlord to comply with the Act, regulations, or the tenancy agreement?
3. Are the tenants entitled to an order for the landlord to provide services or facilities required by the Act or the tenancy agreement?
4. Are the tenants entitled to an order for compensation for recovery of the filing fee?

Background and Evidence

The hearing commenced at 9:30 A.M. (Pacific Standard Time) on November 8, 2018. The landlord and a family member were on the line. After waiting ten minutes, I confirmed service of the Notice with the landlord. The Notice was served on the tenants, by leaving it on the door of the rental unit on September 24, 2018, and with an effective end of tenancy date of November 30, 2018.

The hearing concluded at 9:40 A.M. after I had advised the landlord that I would be issuing her an order of possession of the rental unit, and I confirmed her email address to which the Decision and the Order would be sent.

Analysis

As the tenants did not attend the hearing, I dismiss the tenants' application for an order cancelling the Notice.

Section 55(1) of the Act states that if a tenant applies to dispute a landlord's notice to end tenancy and their application for dispute resolution is dismissed, or the landlord's notice is upheld, the landlord must be granted an order of possession if the notice complies with all the requirements of Section 52 of the Act.

Section 52 of the Act requires that any notice to end tenancy issued by a landlord must (1) be signed and dated by the landlord, (2) give the address of the rental unit, (3) state the effective date of the notice, (4) state the grounds for ending the tenancy, and (5) be in the approved form.

I have reviewed the Notice and find that it complies with the requirements as set out in section 52.

Given the above, I hereby uphold the landlord's Notice and grant an order of possession of the rental unit to the landlord.

Conclusion

I dismiss the tenants' application in its entirety without leave to reapply.

The landlord is entitled to an order of possession effective two days from the date on which the order is served on the tenants, and which may be served on or after November 28, 2018, pursuant to section 55(1) of the Act. This order may be filed in, and enforced as an order of, the Supreme Court of British Columbia.

This decision is final and binding and is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: November 8, 2018

Residential Tenancy Branch