



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FF

Introduction

This hearing dealt with the Tenants' Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") seeking to cancel a 1 Month Notice to End Tenancy for Cause (the "Notice").

The respondent landlord attended the hearing. The hearing was by telephone conference and began promptly, as scheduled, at 9:30 a.m. Pacific Time on October 1, 2020, as per the Notice of a Dispute Resolution Hearing provided to the tenants. The line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the respondent Landlord who was ready to proceed. The Landlord testified that they are not sure if tenant continues to occupy the rental unit but they would like an order of possession just in case.

After the ten minute waiting period, the Tenants' application was **dismissed in full, without leave to reapply**.

Section 55 of the *Act* applies and states:

Order of possession for the landlord

55 (1) 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.

[My emphasis added]

First, I turn to the Notice. The landlord stated that it was served to the Tenants by posting it to the door of his rental unit on August 3, 2020. Pursuant to section 88 and 90 of the Act, I find the Tenants are deemed to have received this Notice on August 6, 2020. The effective date was listed as August 17, 2020. However, the corrected effective date for the Notice is September 30, 2020, which has already passed.

Further, the Notice listed the address for the rental unit as unit #3 – 786. However, the Landlord stated that this was supposed to be unit #3 – 784. The Tenants indicated in their application that they were aware that the address was a mistake. In fact they pointed out the address error, and indicated that it should have been their address, which was unit #3 – 784.

I note the following portion of the Act:

- 68** (1) If a notice to end a tenancy does not comply with section 52 *[form and content of notice to end tenancy]*, the director may amend the notice if satisfied that
- (a) the person receiving the notice knew, or should have known, the information that was omitted from the notice, and
 - (b) in the circumstances, it is reasonable to amend the notice.

Pursuant to section 68 of the Act, I find it is reasonable to amend the Notice to reflect the correct address, which the Tenants appeared aware of. Further, pursuant to section 55 of the Act, and having reviewed the amended Notice, which I find complies with section 52 of the Act, I grant the landlord an order of possession effective **two (2) days** after service on the tenants.

Conclusion

The Tenants' application has been dismissed in full, without leave to reapply as the tenants failed to attend the hearing.

The landlord has been granted an order of possession effective two (2) days after service on the tenants. This order must be served on the Tenants and may be enforced in 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: October 01, 2020

Residential Tenancy Branch