



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Tenant: CNC RP
Landlord: OPC

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory to deal with both applications was held, via teleconference, on May 6, 2022, at 11:00 AM.

The Landlords attended the hearing. However, the Tenants did not. The hearing was by telephone conference and began promptly, as scheduled, at 11:00 am Pacific Time on May 6, 2022, as per the Notice of a Dispute Resolution Hearing provided to the parties. 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 Landlords who were ready to proceed.

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

The Landlord testified that the Tenants continues to occupy the rental unit. The Landlord further testified that he is seeking to end the tenancy because the Tenants have been repeatedly late paying rent at least 9 times in the past year, and they have also caused disturbances with neighbours. These issues were reflected on the Notice to End Tenancy, and I accept this undisputed testimony in support of the grounds on the Notice.

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]

Under section 55 of the *Act*, when a Tenant's application to cancel a notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52, I must grant the Landlord an order of possession. Section 52 of the *Act* requires that any notice to end tenancy issued by a landlord must be signed and dated by the landlord, give the address of the rental unit, state the effective date of the notice, state the grounds for ending the tenancy, and be in the approved form.

I find that the Notice issued by the Landlord meets the requirements for form and content and the Landlords are entitled to an order of possession, effective 2 days after service on the Tenants.

I note the Landlords cross applied for an order of possession based off the same 1 Month Notice the Tenants applied to cancel. However, since an order of possession is already issued pursuant to the Tenants application, I will not address the Landlords application any further, except to award the Landlord's recovery of the filing fee they paid to make their application. I award \$100.00 to the Landlords for this amount, and they are authorized to retain \$100.00 from the Tenants' security deposit.

Conclusion

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

The Landlord is granted an order of possession effective **two days after service** on the Tenants. This order must be served on the Tenants. If the Tenants fail to comply with

this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: May 06, 2022

Residential Tenancy Branch