

DECISION

Dispute Codes CNC

Introduction

This hearing was convened upon the application of the tenants seeking to cancel a notice to end tenancy given for cause.

Pursuant to the Residential Tenancy Act, R.S.B.C. and amendments thereto I was designated to hear this matter under section 58. This hearing dealt with an application pursuant to the *Residential Tenancy Act* SBC 1996 ("the Act") in respect of the above-noted tenancy.

While the Respondent attended the hearing by way of conference call, the Applicants did not.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Accordingly, **in the absence of any evidence or submissions from the applicant I order the tenants' application dismissed without liberty to reapply.**

At the hearing of this matter landlord sought an Order of Possession. The 1 month Notice to End Tenancy for Cause was issued February 16, 2010 with an effective date of March 31, 2010. The time for applying under Section 46 to set aside the Notice to End a Residential Tenancy has expired. In these situations, the *Residential Tenancy Act* provides that the tenant(s) has/have been deemed to have accepted the end of the tenancy on the effective date set out in the Notice.

Conclusion

The landlord is provided with a formal copy of an order of possession. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.