

## **DECISION**

**Dispute Codes:** CNC

### **Introduction**

This hearing was adjourned from October 5, 2010 to November 12, 2010 and again adjourned to the present session due to the expiry of time in the previous two. My interim decisions of October 5, 2010 (corrected November 12, 2010) and of November 12, 2010 provide further details.

In those sessions of the hearing, the landlord had attempted to negotiate a licence agreement with the tenants who had moved out of the manufactured home and gave evidence that they had no intention of returning.

The landlord had offered the tenants the licence agreement to provide them an opportunity to offer the 1976 manufactured home for sale. The tenants, who had been served with a Notice to End Tenancy for cause, declined the offer.

The last adjournment was granted on the understanding that the reconvene would examine the Notice to End Tenancy on its merits and render a decision.

The hearing reconvened on December 7, 2010 at 1:30 p.m. as scheduled and was held open for 15 minutes. The respondent landlord and her legal counsel called in to the number provided to enable their participation in the telephone conference call hearing but the applicant tenants did not, despite having been served with the Notice of Hearing.

In the absence of the applicant tenants and the presence of the respondent landlord, I found that the tenants' application must be dismissed without leave to reapply.

On hearing that determination, legal counsel for the landlord requested an Order of Possession under section 48(1) of the *Act* which compels the issuance of the order on the landlord's verbal request when an application to dismiss a Notice to End Tenancy is dismissed.

The landlord requested and I find she is entitled to an Order of Possession effective on December 15, 2010.

## **Conclusion**

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia to take effect at 1 p.m. on December 15, 2010, for service on the tenants.

The order may be served by the combination of posting on the door of the subject manufactured home and by sending it by registered mail to the address for service provided by the tenants and used throughout these proceedings.

December 7, 2010