



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      CNC

## DECISION AND REASONS

This matter dealt with an application by the Tenants to cancel a 1 Month Notice to End Tenancy for Cause (the "Notice") dated November 30, 2010.

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 dispute resolution officer. The dispute resolution officer 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.

The hearing started at 11:30 a.m. as scheduled, however by 11:40 a.m., the Tenants had not dialled into the conference call. Accordingly, **in the absence of any evidence or submissions I order the application dismissed without leave to reapply.** I make no findings on the merits of the matter. Given also that the time limits for applying to cancel a Notice to End Tenancy under s. 47(4) and s. 66(3) of the Act have now expired, the Tenants' application is dismissed without leave to reapply.

The Landlord stated he addressed the concerns listed in the Notice with Tenant MM and believed that with the departure of Tenant RB, these concerns were eliminated. However the Landlord requested an Order of Possession effective for January 31, 2011 in the event the problems continued.

## Conclusion

The Tenants' application is dismissed without leave to reapply.

The Landlord is granted an **Order of Possession**, effective on **January 31, 2011, at 1:00 p.m.** after service on the Tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.



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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: January 07, 2011.

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Residential Tenancy Branch