



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      CNC

### Introduction

This matter dealt with an application by the Tenants to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") issued by the Landlord on December 15, 2010.

The hearing started at 11:30 a.m. as scheduled, however by 11:52 a.m., the Tenants had not dialled into the conference call. In the absence of any evidence from the Tenants to support their application, it is dismissed. 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 appeared and testified that the Tenants did not pay the amount listed on the Notice, which was \$800.00, but did make a full payment of rent for January 2011, the day before the hearing. The Landlord further testified that he issued a receipt showing "For Use and Occupancy Only" for that payment. As the Tenants submitted no evidence, I allowed the Landlord to fax a copy of the Notice following the hearing.

The Landlord requested an Order of Possession during the hearing. Therefore I find that the Landlord is entitled to an order of possession effective not later than **two (2) days** after service on the Tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

### Conclusion

The Tenants' application is dismissed without leave to reapply.

The Landlord is granted an Order of Possession effective **two (2) days** after service on the Tenants.

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 14, 2011.

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Residential Tenancy Branch