



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

DECISION AND REASONS

This matter dealt with an application by the tenant to cancel a 1 Month Notice to End Tenancy for Cause dated July 20, 2011 and to recover the filing fee for this proceeding.

This matter was set for hearing at 2:00 p.m. on this date. The line remained open while the phone system was monitored for 23 minutes. The only participants who called into the hearing during this time were the respondents/landlords.

The applicant/tenant failed to attend to present her claim, and the respondents/landlords appeared and were ready to proceed.

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

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.

Conclusion

In the absence of the tenant I therefore **dismiss** the tenant's application, **without leave to reapply**.

The landlords requested an order of possession during the hearing. Therefore, under section 55 of the Residential Tenancy Act (the "Act"), I find that the landlords are entitled to and I grant an order of possession effective at 1:00 p.m. on August 31, 2011, the effective date of the Notice to End Tenancy served by the landlords on the tenant.

I am enclosing an order of possession with the landlords' Decision. This order is a **legally binding, final order**, and may be filed in the Supreme Court should the tenant fail to comply with this order of possession.

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: August 26, 2011.

Residential Tenancy Branch