



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR; CNC

Introduction

This Hearing was scheduled to hear the Tenant's application to cancel two Notices to End Tenancy for Unpaid Rent dated February 15 and 22, 2012, and one Notice to End Tenancy for Cause dated February 15, 2012.

This application was scheduled to be heard via teleconference on March 20, 2012, at 11:00 a.m. The Landlords signed into the conference on time and were ready to proceed, however by 11:10 a.m., the Tenant had not yet signed into the teleconference. Therefore, the Tenant's application was dismissed without leave to reapply.

The Landlords gave affirmed testimony that the Tenant remains in the rental unit and that she has not paid any rent for the months of February and March, 2012. The Landlords requested an Order of Possession.

Background and Evidence

It is important to note that, at a Hearing regarding this tenancy held February 22, 2012, with respect to the Tenant's application to cancel a Notice to End Tenancy for Unpaid Rent issued February 1, 2012, a dispute resolution officer dismissed the Tenant's application. The dispute resolution officer found that **the tenancy ended on February 12, 2012**. No Order of Possession was granted at that Hearing.

Analysis

Section 55(1) of the Act states:

Order of possession for the landlord

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director **must** grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

Further to the provisions of Section 55(1) of the Act, I hereby provide the Landlords an Order of Possession. This Order is **effective 2 days after service of the Order upon the Tenant.**

Conclusion

The Tenant's application is dismissed **without leave to re-apply.**

I hereby provide the Landlords an Order of Possession **effective 2 days after service of the Order upon the Tenant.** This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: March 20, 2012.

Residential Tenancy Branch