



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing was convened in response to an application filed by the tenants seeking to cancel a Notice to End Tenancy given for cause and seeking recovery of the filing fee paid for this application.

While the landlord did appear at the hearing the tenants did not.

Findings on Non-Appearance of Applicant

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 arbitrator. The arbitrator 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.

Accordingly, in the absence of any evidence or submissions from the applicant I order the tenants' application dismissed without liberty to reapply.

Order of Possession

When tenants make an application to cancel a notice to end tenancy given for cause and that application is dismissed a landlord may request an Order of Possession. The landlord has requested that Order. Having submitted a copy of the Notice to End Tenancy showing an effective date of April 18, 2012 I will issue the Order of Possession effective on that date.

Conclusion

The landlord is provided with an Order of Possession as described above. This Order is a final and binding Order as any Order of the Supreme Court of British Columbia.

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: April 12, 2012.

Residential Tenancy Branch