



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MT; CNL

Introduction and Analysis

This Hearing was scheduled to hear the Tenants' application for more time to make an application to cancel a notice to end the tenancy; and to cancel a Notice to End Tenancy.

This application was scheduled to be heard via teleconference on November 16, 2012, at 3:00 p.m. The Landlords' agent signed into the conference on time and was ready to proceed, however by 3:10 p.m., the Tenants had not yet signed into the teleconference.

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

Commencement of 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.

I find that that the Tenants have abandoned their application. I dismiss the Tenants' application **without leave to re-apply**.

The Landlords' agent asked for an Order of Possession. Section 55 of the Act provides:

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.

The Notice to End Tenancy was effective August 31, 2012. Therefore I find that the Tenants are overholding and that the Landlords are entitled to an Order of Possession effective **2 days after service of the Order upon the Tenants**.

Conclusion

The Tenants' 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 Tenants**. 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: November 16, 2012.

Residential Tenancy Branch