



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

Tenants' application: CNR; MT

Landlords' application: OPR

Introduction

This Hearing was convened to consider cross applications. The Tenants seek more time to file an application to cancel a Notice to End Tenancy for Unpaid Rent and to cancel the Notice.

The Landlords seek to end the tenancy and obtain an Order of Possession.

The Landlord gave affirmed testimony at the Hearing. She testified that she served the Tenants with a copy of her Notice of Hearing documents on November 16, 2012 at the rental unit.

The Tenants did not sign into the teleconference, although the Hearing remained open for 15 minutes.

The Landlord testified that the Tenants did not serve her with a copy of their Application for Dispute Resolution. In any event, the Tenants did not sign into the Hearing and therefore, their application was **dismissed without leave to reapply**.

The Landlord asked for an Order of Possession. She stated that she served the Tenants with the Notice to End Tenancy for Unpaid Rent on November 6, 2012.

Section 55 of the Act provides that if a tenant makes application to dispute a notice to end a tenancy, the director must grant an Order of Possession if, at the time scheduled for the Hearing, the landlord asks for an Order of Possession and the director dismisses the tenant's application. Therefore I hereby provide the Landlords with an Order of Possession **effective 2 days after service of the Order upon the Tenant**.

Conclusion

The Tenants' application is **dismissed without leave to reapply**.

I hereby provide the Landlords with an Order of Possession **effective 2 days after service of the Order upon the Tenants**. This Order must be served on the Tenants

and 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: December 13, 2012.

Residential Tenancy Branch