



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNC

### **Introduction and Analysis**

This Hearing was scheduled to hear the Tenants' application to cancel a Notice to End Tenancy for Cause.

### **Preliminary Matter**

This application was scheduled to be heard via teleconference on May 2, 2013, at 3:00 p.m. The Landlord signed into the conference 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, and therefore I dismiss the Tenants' application **without leave to re-apply**.

The Landlord stated that he wanted the Tenants to move out of the rental unit. He asked for an Order of Possession effective as soon as possible.

### **Issue to be Determined**

- Is the Landlord entitled to an Order of Possession?

### **Background and Evidence**

The Landlord testified that he served the Tenants with the Notice to End Tenancy for Cause on March 26, 2013, by handing the document to the Tenants at the rental unit.

## **Analysis**

Section 55(1) of the Act states:

**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.

I grant the Landlord's oral request for an Order of Possession under the provisions of Section 55 of the Act. Based on Landlord's undisputed testimony, I am satisfied that the Tenants were served with the Notice to End Tenancy on March 26, 2013. Therefore, I find that the effective date of the end of the tenancy was April 30, 2013 and that the Landlord is entitled to an Order of Possession effective 2 days after service of the Order upon the Tenant.

## **Conclusion**

The Tenants' application is dismissed without leave to re-apply.

I hereby provide the Landlord with 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: May 02, 2013

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Residential Tenancy Branch