



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This matter was set for hearing at 1.30 p.m. on this date to hear the tenants' application disputing a One Month Notice to End Tenancy for cause issued by the landlord. Since the applicants did not appear at the hearing by 1.40 p.m., but the respondent did appear and was ready to proceed, I dismissed the tenants' application without leave to reapply pursuant to rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Analysis

The tenants have failed to appear for a scheduled Dispute Resolution hearing and as a result their application to set aside a One Month Notice to End Tenancy for cause has been dismissed.

Section 55 of the *Act* provides that if a tenants' application to dispute a One Month Notice to End Tenancy for cause is dismissed, and the landlord makes an oral request for an Order of Possession, then the director must issue an Order of Possession of the rental unit to the landlord.

The landlord did make an oral request for an Order of Possession for the rental unit. Therefore, I grant the landlord's request and will issue an Order of Possession to the landlord.

### Conclusion

The tenants' application disputing a One Month Notice to End Tenancy dated May 18, 2013 has been dismissed without leave to re-apply.

The landlord has been issued an Order of Possession effective **On June 30, 2013** which is the effective date of the One Month Notice pursuant to section 55(1) of the *Act*. This Order must be served upon the tenants and this Order may be filed with 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: June 18, 2013

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Residential Tenancy Branch

