



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNL; ATT; OLC; FF

### **Introduction and Analysis**

This Hearing was scheduled to hear the Tenant's application to cancel a Notice to End Tenancy for Landlords' Use; an Order allowing access to the rental unit for the Tenant or his guests; An Order that the Landlords comply with the Act, regulation or tenancy agreement; and to recover the cost of the filing fee from the Landlords.

This application was scheduled to be heard via teleconference on July 25, 2013, at 3:00 p.m. The Landlords signed into the conference and were ready to proceed, however by 3:10 p.m., the Tenant 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 Tenant has abandoned his application, and therefore I dismiss the Tenant's application without leave to re-apply.

The Landlords requested possession of the rental unit effective August 15, 2013.

### **Background and Evidence**

The Landlord LH testified that she served the Tenant with the Notice to End Tenancy on June 8, 2013.

The Landlord LH stated that the Tenant moved into the rental unit on December 15, 2011, and paid prorated rent for the month of December, 2011. Thereafter, rent was paid late and not on the first day of each month.

The Landlords did not provide a copy of the tenancy agreement in evidence.

### **Analysis**

Section 55(1) of the Act states:

### **Order of possession for the landlord**

**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.

Based on the undisputed testimony of the Landlords, I am satisfied that the Tenant was personally served with the 2 Month Notice to End Tenancy on June 8, 2013.

The Landlord LH testified that the Tenant paid prorated rent for the month of December 15, 2011, and "was late paying rent after the first of the month" thereafter. Therefore I find that rent was due on the first day of each month and that the effective date of the end of the tenancy is August 31, 2013.

Further to the provisions of Section 55(1) of the Act, I hereby provide the Landlords with an Order of Possession **effective 1:00 p.m., August 31, 2013.**

### **Conclusion**

The Tenant's application is **dismissed without leave to re-apply.**

I hereby provide the Landlords with an Order of Possession **effective 1:00 p.m., August 31, 2013.** This Order must be served on the Tenant 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: July 25, 2013

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Residential Tenancy Branch