



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNL, FF

Introduction

This telephone conference call hearing was convened as the result of the tenants' application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order cancelling the landlords' 1 Month Notice to End Tenancy for Cause ("1 Month Notice") and seeking an order cancelling the landlords' 2 Month Notice to End Tenancy for Landlord's Use of the Property ("2 Month Notice"), and for recovery of the filing fee.

The hearing began at 9:00 a.m. as scheduled and the telephone system remained open and was monitored for 12 minutes. During this time, the applicants/tenants did not dial into the telephone conference call hearing; however the landlords were present and ready to proceed with the hearing. During the hearing, the landlords made an oral request for an order of possession for the rental unit.

I must note that although the tenants applied to cancel a 1 Month Notice, there was no copy of such submitted into documentary evidence and the landlords confirmed that one had not been served upon the tenants.

Analysis and Conclusion

In the absence of the tenants to present their claim, pursuant to section 10.1 of the Residential Tenancy Branch Rules of Procedure (Rules), I dismiss the tenants' application, without leave to reapply.

As I have dismissed the tenants' application for dispute resolution, under section 55(1) of the Act, I must grant the order of possession to the landlords due to their oral request during the hearing.

I therefore grant the landlords an order of possession for the rental unit effective at 1:00 p.m. on July 31, 2013, the effective end of tenancy date listed on the landlords' 2 Month Notice.

This final, legally binding order of possession is enclosed with the landlords' Decision and must be served upon the tenants.

Should the tenants fail to vacate the rental unit pursuant to the terms of the order, this order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court. The tenants are advised that costs of such enforcement are recoverable from the tenants.

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 03, 2013

Residential Tenancy Branch

