



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Rajpur Holdings Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC OLC FF

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act"), seeking to cancel a Notice to End Tenancy for Cause, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and to recover the filing fee.

The hearing was by telephone conference call and began at 11:00 a.m. on this date as indicated on the Notice of a Dispute Resolution Hearing. The line remained open while the phone system was monitored for ten minutes and the only participant to call into the hearing was an agent for the respondent landlord, KG.

After the 10 minute waiting period, as the applicant tenants did not attend the hearing by 11:10 a.m., the application of the tenants was **dismissed without leave to reapply**.

Following my dismissal of the tenants' application, the agent requested an order of possession. Under section 55 of the Act, **I must** grant that request. Section 55 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.

[emphasis added]

Therefore, I grant the landlord an order of possession effective **two (2) days** after service upon the tenants. This order must be served on the tenants and may be enforced in the Supreme Court of British Columbia.

Conclusion

The tenant's application is dismissed without leave to reapply.

I grant the landlord an order of possession effective two (2) days after service upon the tenants. This order must be served on the tenants and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: August 09, 2013

Residential Tenancy Branch

