



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Pemberton Holmes and 0713792 BC Ltd.  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      CNR

### Introduction

This hearing dealt with the tenants' Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act"), seeking to cancel a 10 day Notice to End Tenancy for unpaid rent or utilities.

Two agents for the landlord, DS and JS, and an agent for the landlord, CF, attended the teleconference hearing. The applicant tenants did not attend the teleconference hearing.

The hearing was by teleconference and was to begin at 1:30 p.m. on this date. The line remained open while the phone system was monitored for 21 minutes and the only participants who called into the hearing during this time were landlord agents DS, JS and CF.

Therefore, as the applicant tenants did not attend the hearing by 1:51 p.m., **I dismiss** the tenants' application **without leave to reapply**.

### Preliminary and Procedural Matters

At the outset of the hearing, the co-owners of a numbered company requested that the tenants' application be amended to include the numbered company as landlord as the tenants incorrectly named the agent for the landlord, PH, as landlord, however PH was terminated as agent for the landlord prior to this hearing.

Agent CF of PH confirmed that DS and JS were the owners of the numbered company who owned the rental unit property and had originally hired PH to act as their agent. As a result, I permit the request of DS and JS to add the numbered company as a landlord respondent to the tenants' application. Although the tenants did not appear at the

hearing, I find the request of DS and JS to be reasonable and have been confirmed to be the actual landlord.

### Conclusion

Following my dismissal of the tenants' application, agent DS made an oral request for an order of possession. Under section 55 of the Act, **I must** grant that request as I have dismissed the tenants' application.

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.

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 28, 2013

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Residential Tenancy Branch

