



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, MNDC, 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 landlord's 1 Month Notice to End Tenancy for Cause ("Notice"), a monetary order for money owed or compensation for damage or loss in the amount of \$850, and for recovery of the filing fee.

The hearing began at 2:30 p.m. as scheduled and the telephone system remained open and was monitored for 15 minutes. During this time, the applicants/tenants did not dial into the telephone conference call hearing; however the landlord and his legal counsel were present and ready to proceed with the hearing. During the hearing, the landlord's legal counsel made an oral request for an order of possession for the rental unit.

*Preliminary issue*-I note that although the tenants' application did not specifically mark that they were seeking cancellation of the Notice, their written submissions indicated that this was the primary reason for making an application for dispute resolution. Additionally, the tenants informed the Residential Tenancy Branch ("RTB") that one of the purposes of the application was to dispute the Notice and the landlord submitted that they understood this was the reason for the application. Accordingly I determined it was appropriate to amend the tenants' application to include a request to cancel the landlord's 1 Month Notice.

### 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 landlord due to their oral request during the hearing.

I therefore grant the landlord an order of possession for the rental unit effective 2 days after service on the tenants.

This final, legally binding order of possession is enclosed with the landlord's 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* and is being mailed to both the applicants and the respondent.

Dated: August 02, 2013

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Residential Tenancy Branch

