



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC

Introduction

This Hearing was scheduled to hear the Tenants' application to cancel a Notice to End Tenancy for Cause.

This application was scheduled to be heard via teleconference on October 28, 2013 at 1:30 p.m. The Landlord signed into the conference on time and was ready to proceed, however by 1:40 p.m., the Tenants had not yet signed into the teleconference. Therefore, the Tenants' application is dismissed without leave to reapply.

The Landlord stated that he believes that the Tenants are moving out of the rental unit, but requested an Order of Possession.

Background and Evidence

The Landlord gave the following affirmed testimony:

- The Landlord served the Tenants with the Notice to End Tenancy on September 11, 2013.
- Monthly rent is due on the 25th day of the month.

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 Landlord's undisputed testimony, I am satisfied that the Tenants received the One Month Notice to End Tenancy on September 11, 2013. Further to the provisions of Section 47(2)(b) of the Act, I find that the effective date of the end of the tenancy was October 24, 2013. Further to the provisions of Section 55(1) of the Act, I hereby provide the Landlord with an Order of Possession **effective 2 days after service of the Order upon the Tenants.**

Conclusion

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

I hereby provide the Landlord with an Order of Possession **effective 2 days after service of the Order upon the Tenants.** This Order 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: October 28, 2013

Residential Tenancy Branch

