



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MT CNC CNR

### Introduction

This hearing dealt with the tenants' Application for Dispute Resolution under the *Residential Tenancy Act* (the "*Act*"), requesting more time to make an application to cancel at Notice to End Tenancy, seeking to cancel a 10 day Notice to End Tenancy for Unpaid Rent or Utilities, and to cancel a 1 Month Notice to End Tenancy for Cause.

The respondent landlord attended the teleconference hearing. The hearing was by telephone conference call and began as scheduled at 2:30 p.m. on November 21, 2013 as per the Notice of a Dispute Resolution Hearing provided to the tenants dated October 11, 2013. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord.

After the ten minute waiting period, the tenants' application was **dismissed in full, without leave to reapply**. Following my dismissal of the tenants' application, the landlord verbally requested an order of possession. 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]**

Pursuant to section 55 of the *Act*, I **grant** the landlord an order of possession effective **two (2) days** after service upon the tenants as the effective vacancy dates of both the 1 Month Notice for Cause dated September 28, 2013, and the 10 Day Notice for Unpaid Rent or Utilities dated October 15, 2013 have already passed. This order must be served on the tenants and may be enforced in the Supreme Court of British Columbia.

### Conclusion

The tenants' application has been dismissed in full, without leave to reapply.

The landlord has been granted 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: November 21, 2013

---

Residential Tenancy Branch

