



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Oliver Place Manor  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing was convened by way of conference call in repose to the tenants' application to cancel a 10 day notice to end tenancy.

The matter was set to be heard at 1.30 p.m. on this date. The hearing went ahead as scheduled and the respondent's agent dialed in to the hearing. However, after waiting for more than 10 minutes the tenants failed to dial into the conference call. Therefore, as the tenants' have failed to present the merits of their application no hearing took place and the tenants' application is dismissed without leave to reapply.

The landlord has requested that the 10 day notice be upheld and requests an Order of Possession to take effect as soon as possible as further rent has not been paid.

### Analysis

Pursuant to section 55(1) of the *Residential Tenancy Act (Act)*:

**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.

On the basis of this, I uphold the landlord's 10 day notice to end tenancy and grant the landlord an Order of Possession.

### Conclusion

The tenants' application is dismissed in its entirety without leave to reapply.

An Order of Possession has been issued to the landlord. A copy of the Order must be served on the tenants and the tenants must vacate the rental unit by **two (2) days after service of this order upon them**. The Order of Possession may be enforced in the Supreme Court of British Columbia.

I further Order that the applicant pay the filing fee of **\$50.00** that was previously waived to the director of the Residential Tenancy Office.

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: January 08, 2014

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Residential Tenancy Branch

