



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, MNDC

Introduction

The applicants failed to appear at the appointed time set for the hearing. The respondents were present and ready to proceed. I waited 10 minutes past the scheduled start time and the applicants failed to call in. I then commenced in the hearing in the absence of the applicants.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are s entitled to an order cancelling a 2 month Notice to End Tenancy dated December 31, 2013?
- b. Whether the tenants are entitled to a monetary order and if so how much?

Background and Evidence:

The tenants originally rented a 2 bedroom unit. However on March 1, 2013 they moved to the one bedroom unit which is the rental unit identified in this application. The tenancy agreement provided that the tenant(s) would pay rent of \$765 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$400.

The landlord served a 2 month Notice to End Tenancy on the tenants that set the end of tenancy date for February 28, 2014. The landlord testified that it appears the tenants are in the process of moving.

Determination and Orders

The tenants failed to attend the hearing. As a result I dismissed the tenant's application to cancel the two month Notice to End Tenancy without leave to re-apply. I order that

the tenancy shall end on the date set out in the Notice. I further order that the application of the tenant for a monetary order be dismissed without leave to re-apply.

Order for Possession

The Residential Tenancy Act provides that where a landlord has made an oral request for an Order for Possession at a hearing where an arbitrator has dismissed a tenant's application to set aside a Notice to End Tenancy, the arbitrator must grant an Order for Possession. The landlord made this request at the hearing. As a result I granted the landlord an Order for Possession.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: February 27, 2014

Residential Tenancy Branch

