



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act"), seeking to cancel a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice").

The hearing was by telephone conference call and began at 9:30 a.m. on this date as indicated on the Notice of a Dispute Resolution Hearing document. The line remained open while the telephone system was monitored for eleven minutes and the only participant who called into the hearing during was the respondent landlord, SM.

After the 10 minute waiting period, as the applicant tenants did not attend the hearing by 9:40 a.m., the application of the tenants was **dismissed without leave to reapply**.

Following my dismissal of the tenants' application, the landlord requested an order of possession as the landlord stated that the tenants remain in the rental unit. Under section 55 of the Act, **I must** grant that request. 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]

The effective vacancy date of the 1 Month Notice was February 28, 2014. Therefore, I **grant** the landlord 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.

Conclusion

The tenants' application is dismissed 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: March 25, 2014

Residential Tenancy Branch

