



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT CNR ERP

This hearing dealt with the tenant's Application for Dispute Resolution, seeking more time to make an application to cancel a Notice to End Tenancy dated July 5, 2014, and to make emergency repairs for health or safety reasons. I find it was obvious from the tenant's application that he was also seeking to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice"), which was dated July 5, 2014. Therefore, the tenant's application was amended pursuant to section 64 of the *Act* to include the tenant's request to cancel a 10 Day Notice, which is consistent with the tenant's request seeking more time to make an application to cancel a 10 Day Notice.

The respondent landlords attended the teleconference hearing. The hearing was by telephone conference call and began at 11:00 a.m., Pacific Time, on Friday, July 25, 2014. The line remained open while the phone system was monitored for twenty minutes and the only participants who called into the hearing during this time was the respondent landlords. As the applicant tenant did not attend the hearing by 11:10 a.m., after the ten minute waiting period, I **dismissed** the tenant's application **without leave to reapply**.

The landlords appeared uncertain whether the tenant continued to occupy the rental unit and requested an order of possession as a result. 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.

[my emphasis added]

Given the above, and following my dismissal of the tenant's application, and taking into account the landlords' verbal request for an order of possession, pursuant to section 55 of the Act, I must grant that request. Therefore, **I grant** the landlords an order of possession effective **two (2) days** after service upon the tenant. This order must be served on the tenant 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: July 25, 2014

Residential Tenancy Branch

