



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, MNDC, MNR, OPB, OPR

Introduction

This hearing was convened in response to applications by the tenants and the landlord.

The tenants' application is seeking orders as follows:

1. To cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities; and
2. To cancel a 1 Month Notice to End Tenancy for Cause.

The landlord's application is seeking orders as follows:

1. For an order of possession;
2. For a monetary order for damages to the unit;
3. For a monetary order for unpaid rent; and
4. To recover the cost of filing the application.

Landlord's application

The landlord attended the hearing. As the tenants did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

At the outset of the hearing the landlord indicated that there were three tenants listed as respondents in the schedule of parties filed on July 11, 2014. However, upon my review of the landlord's application filed on June 28, 2014, there is only one respondent listed. The landlord stated that when he completed his online application he could not add other respondents and that is why he sent the schedule of parties to the Residential Tenancy Branch by mail.

Although the online application tool can add up to five respondents, I accept the landlord had difficulties, however, the scheduled of parties was filed after the landlord's online application had been processed and the Notice of Hearing was produced for the sole respondent. Two respondents were not issued Notices of Hearings and they were not formally added as parties to the original application filed on June 28, 2014. As a result, the landlord's application is dismissed with leave to reapply and have all parties notified of his application for dispute resolution.

Tenants' application

This matter was set for hearing by telephone conference call at 9:30 A.M on this date. 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. Therefore, as the tenants did not attend the hearing by 9:40 A.M, and the landlord appeared and was ready to proceed, I dismiss the tenants' application without leave to reapply.

As the tenants' application is dismissed and the landlord requested an order of possession at the hearing, pursuant to section 55 of the Act, I must grant this request.

Section 55(1) 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.

As I have dismissed the tenant's application, I find that the landlord is entitled to an order of possession effective **two days** after service on the tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The tenants' application is dismissed. The landlord is granted an order of possession.

The landlord's application is dismissed with leave to reapply.

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: July 29, 2014

Residential Tenancy Branch

