



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This matter was set for hearing at 1.30 p.m. on this date to hear the tenants' application to have a Two Month Notice to End Tenancy set aside. Since the applicants did not appear at the hearing by 1.40 p.m., but the respondent did appear and was ready to proceed, I dismissed the tenants' application without leave to reapply pursuant to rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Analysis

The tenants have failed to appear for a scheduled Dispute Resolution hearing and as a result the tenants' application to set aside a Two Month Notice to End Tenancy for landlord's use of the property has been dismissed.

Section 55(1) of the *Act* provides that if a tenant's application to dispute a Notice to End Tenancy is dismissed, and the landlord makes an oral request for an Order of Possession at the hearing, then the director must issue an Order of Possession of the rental unit to the landlord.

The landlord has made an oral request for an Order of Possession for the rental unit at the hearing. The effective date of the Notice is June 30, 2014 and therefore I grant the landlord's request and issue an Order of Possession for June 30, 2014.

Conclusion

The tenants' application is dismissed without leave to re-apply.

The landlord has been issued an Order of Possession effective at **1.00 p.m. on June 30, 2014** pursuant to section 55(1) of the *Act*. This Order must be served on the tenants. If the tenants fail to move from the rental unit the Order may be filed in the Supreme Court and enforced as an Order of that Court.

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: June 17, 2014

Residential Tenancy Branch

