



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MACS VENTURES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on August 05, 2014, by the Tenants to cancel a Notice to end tenancy for Cause.

The hearing was conducted via teleconference and was attended by the Landlord. No one was in attendance for the Tenants despite this hearing being convened to hear matters pertaining to the Tenants' application.

Issue(s) to be Decided

Should the Tenants' application be dismissed with or without leave to reapply?

Background and Evidence

No additional evidence was provided in support of the Tenants' application as no one appeared at the teleconference hearing on behalf of the Tenant.

The Landlord submitted that he had attended the rental unit on October 06, 2014 and was told by another tenant that the Tenants vacated the unit. He stated that was there to post a notice of entry and when he peaked inside a window he could see that the unit was void of any possessions.

In closing, the Landlord requested an Order of Possession be issued, despite his knowledge that the unit had been emptied of the Tenants' possessions.

Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing the hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

In the absence of the applicant Tenants, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenants called into the hearing during this time. Accordingly, in the absence of any submissions from the applicant Tenants, I order the application dismissed without liberty to reapply.

Section 55 of the Act provides that an Order of Possession **must** be provided to a landlord if a tenant's request to dispute a Notice to End Tenancy is dismissed and the landlord makes an oral request for an Order of Possession during the scheduled hearing.

In this case the Landlord appeared and requested an Order of Possession be issued. Accordingly I award the Landlord an Order of Possession.

Conclusion

I HEREBY DISMISS the Tenants' application, without leave to reapply.

The Landlord has been granted an Order of Possession effective **Two (2) Days after service upon the Tenants**. In the event that the Tenants do not comply with this Order it may be filed with the Province of British Columbia 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: October 07, 2014

Residential Tenancy Branch

