



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC LRE AAT AS RR

Introduction

This hearing dealt with a Tenant's Application for Dispute Resolution filed by the Tenant D.C. and another named applicant, on February 5, 2015, to cancel a 1 Month Notice issued for cause, suspend or set conditions on the landlord's right to enter the rental unit; allow access to the unit or site for the tenant or the tenant's guests' allow a tenant to assign or sublet because the landlord's permission has been unreasonably withheld; allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided.

The hearing was conducted via teleconference and was attended by the Landlord. No one was in attendance for the Tenant or other applicant, despite this hearing being convened to hear matters pertaining to the Tenant's application.

Issue(s) to be Decided

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

Background and Evidence

The Landlord appeared and stated that only one of the applicants was his tenant and the other applicant was an occupant. He submitted a copy of the tenancy agreement into evidence which clearly shows only one tenant. The Landlord then requested an Order of Possession.

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

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 Applicants the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of either Applicant called into the hearing during this time. Accordingly, in the absence of any submissions from the Applicants, 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.

The Landlord appeared and requested an Order of Possession. Accordingly I award the Landlord an Order of Possession, pursuant to section 55 of the Act.

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 Tenant**. In the event that the Tenant does 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: March 09, 2015

Residential Tenancy Branch

