



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, OLC, OPC, OPB

### Introduction

In the first application the tenants seek to have cancelled a one month Notice to End Tenancy for cause dated and received April 12, 2015 and for an order that the landlord comply with the law and the tenancy agreement.

In the second application the landlord applies for an order of possession.

Neither tenant attended the hearing within ten minutes past the designated start time.

On the landlord's sworn testimony, corroborated by the written statement of Mr. A.K., I find that the tenants were each duly served with the landlord's application and notice of hearing.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The rental unit is a one bedroom basement suite. There is a written tenancy agreement in the standard form. The tenancy started December 1, 2014 on a month to month basis. The rent is \$850.00, due on the first of each month. The landlord holds a \$425.00 security deposit and a \$425.00 pet damage deposit.

On the landlord's undisputed testimony, I find that the one month Notice was served on the tenants on April 12, 2015. Their application to dispute it was filed on April 17<sup>th</sup>.

### Analysis

Because the tenants failed to attend the hearing, their application to cancel the Notice must be dismissed. As the landlord attended the hearing and was ready to proceed, I do not grant leave for the tenants to re-apply.

Section 55(1) of the *Residential Tenancy Act* provides:

- 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.

The landlord made an oral request for an order of possession at this hearing and so I must grant and do grant an order of possession.

### Conclusion

The tenants' application is dismissed without leave to re-apply. The landlord will have an order of possession pursuant to s. 55(1), above.

The landlord's application for an order of possession is redundant or moot. He does not claim recovery of any filing fee.

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 02, 2015

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Residential Tenancy Branch

