



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNR; RR; FF

### **Introduction**

This Hearing was scheduled to hear the Tenants' application to cancel a Notice to End Tenancy; for a rent reduction; and to recover the cost of the filing fee from the Landlord.

This application was scheduled to be heard via teleconference on June 5, 2015, at 11:00 a.m. The Landlord signed into the conference on time and was ready to proceed, however by 11:20 a.m., the Tenants had not yet signed into the teleconference. Therefore, the Tenants' application is dismissed without leave to reapply.

The Landlord provided the correct spelling of his legal first name and requested an Order of Possession.

### **Background and Evidence**

The Landlord gave the following affirmed testimony:

- The Notice to End Tenancy, a copy of which was provided in evidence, was issued on May 8, 2015.
- The Landlord posted the Notice to End Tenancy to the Tenants' door on May 8, 2015.

### **Analysis**

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.

Based on the Landlord's undisputed testimony, I am satisfied that the Landlord posted the 10 Day Notice to End Tenancy to the Tenants' door on May 8, 2015. Service in this manner is deemed to be effective 3 days after posting. I find that the effective date of the end of the tenancy was May 21, 2015. Further to the provisions of Section 55(1) of the Act, I hereby provide the Landlord with an Order of Possession **effective 2 days after service of the Order upon the Tenants**. The Order of Possession reflects the correct legal name of the Landlord.

### **Conclusion**

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

I hereby provide the Landlord with an Order of Possession **effective 2 days after service of the Order upon the Tenants**. This Order may be filed in the Supreme Court of British Columbia 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 05, 2015

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Residential Tenancy Branch

