



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC OPC MND MNR MNSD MNDC FF

### Introduction

This hearing dealt with applications by the tenants and the landlord. The tenants applied to cancel a notice to end tenancy, and the landlord applied for an order of possession pursuant to the notice to end tenancy, as well as for monetary compensation. The landlord and one tenant participated in the teleconference hearing.

### Preliminary Issues

#### *Tenant's Request for Adjournment*

The tenant stated that at 6:00 a.m. he was called in for emergency work, and he therefore did not have his papers with him. The tenant stated that the other two tenants could not attend because one was at work, and the other was at home but did not have a cell phone. I informed the tenant that these reasons did not warrant an adjournment of the hearing, as he had ample time to make arrangements for one of the other tenants to call in to the hearing. Further, as a notice to end tenancy was at issue, it would be unfairly prejudicial to the landlord to adjourn the hearing. I therefore declined to grant an adjournment.

#### *Tenant's Application*

The tenant stated that he did not serve his application on the landlord. Therefore, the tenant's application to cancel the notice to end tenancy for cause is dismissed. The effective date of the notice was May 31, 2015, and therefore the tenant cannot apply again to cancel this notice.

*Landlord's Application*

The tenant's application to cancel the notice to end tenancy is dismissed, and the landlord has applied for an order of possession pursuant to the notice. I accordingly grant the landlord an order of possession. The parties confirmed that the tenant has paid rent for June 2015, and I therefore set the effective date of the order of possession as June 30, 2015.

The landlord's monetary claim was based only on a general estimate. The landlord agreed to withdraw the monetary portion of his application. I therefore dismiss the landlord's monetary claim with leave to reapply.

As the landlord's application was successful, he is entitled to recovery of the filing fee for the cost of his application.

Conclusion

The tenants' application is dismissed.

I grant the landlord an order of possession effective June 30, 2015. The tenants must be served with the order of possession. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is entitled to recovery of the \$50.00 filing fee, and he may retain this amount from the security deposit.

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 12, 2015

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Residential Tenancy Branch

