



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BELMONT PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, MNSD, MNDC, RR, O, FF

Introduction

This matter was set for hearing at 09.00 a.m. on this date to hear the tenants' application to have a One Month Notice to End Tenancy for cause set aside, for a Monetary Order to recover the security deposit; for a Monetary Order for money owed or compensation for damage or loss; for an Order to allow the tenants to reduce rent for repairs, services or facilities agreed upon but not provided; other issues and to recover the filing fee from the landlord for the cost of this proceeding. Since the applicants did not appear at the hearing by 09.13 a.m., but the respondent did appear and was ready to proceed, I dismissed the tenants' application without leave to reapply pursuant to rule 10.1 of the Residential Tenancy Branch *Rules of Procedure*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Analysis

The tenants have failed to appear for a scheduled Dispute Resolution hearing and as a result the tenants' application has been dismissed in its entirety.

Section 55(1) of the *Act* provides that if a tenants' application to dispute a Notice to End Tenancy Due is dismissed, and the landlord makes an oral request for an Order of

Possession at the hearing, then the director must issue an Order of Possession of the rental unit to the landlord.

The landlord made an oral request for an Order of Possession for the rental unit at the hearing to be effective on September 30, 2015 as the landlord has accepted rent for September for use and occupancy only. The effective date of the One Month Notice was July 31, 2015 and I find the tenancy ended on that day. I grant the landlord's oral request and issue an Order of Possession for September 30, 2015.

Conclusion

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

The landlord has been issued an Order of Possession effective **on September 30, 2015** pursuant to section 55(1) of the *Act*. This Order must be served on the tenants. If the tenants remain in Possession of the rental unit and do not relinquish that possession to the landlord then the Order and may be filed in the 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: September 08, 2015

Residential Tenancy Branch

