



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

CNC; FF

### Introduction

This Hearing was scheduled to hear the Tenant's Application seeking to cancel a *One Month Notice to End Tenancy for Cause* (the "Notice") issued June 27, 2015; and to recover the cost of the filing fee from the Landlords.

This application was scheduled to be heard via teleconference on September 1, 2015, at 11:00 a.m. The Landlords signed into the conference and were ready to proceed, however by 11:15 a.m., the Tenant had not yet signed into the teleconference.

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

**Commencement of 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.

I find that that the Tenant has abandoned her Application, and therefore I dismiss the Tenant's Application without leave to re-apply.

The Landlords asked for an Order of Possession. They testified that the Notice was served on June 27, 2015. Therefore, I find that the tenancy ended on July 31, 2015, and that the Tenant is overholding.

Section 55(1) of the Act states:

**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.

### **Conclusion**

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

The Landlords are provided with an Order of Possession effective **2 days after service of the Order upon the Tenant**. 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: September 01, 2015

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Residential Tenancy Branch

