



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Remi Realty Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, FF

Introduction

This was a hearing with respect to the tenants' application to cancel a two month Notice to End Tenancy for landlords' use. The hearing was conducted by conference call. The owners of the rental unit called into the hearing at the appointed time. The tenants did not attend although this was the hearing of their application for dispute resolution.

Issue(s) to be Decided

Should the Notice to End Tenancy dated July 8, 2015 be cancelled?
Is the landlord entitled to an order for possession?

Background and Evidence

The rental unit is a house in Maple Ridge. The owners of the rental property attended the hearing. The owner testified that the landlord is a property management company acting on his behalf as landlord. The property manager entered into a tenancy agreement with the tenants for a one year term that commenced November 1, 2013. The monthly rent was \$1,400.00. The tenancy continued on a month to month basis after the expiry of the term.

The landlord served the tenants with a two month Notice to End Tenancy for landlord's use dated July 8, 2015. The Notice to End Tenancy required the tenants to move out of the rental unit by September 30, 2015. The reason for the Notice to End Tenancy is that the rental unit will be occupied by the landlord. At the hearing the owner testified that he and his family, including extended family members intend to move into the rental property.

Analysis

The hearing of the tenants' application was scheduled to commence at 9:00 A.M. The tenants had not appeared at the hearing of their application by 9:15 A.M. In the absence of an appearance by the applicants, I dismiss their application for dispute resolution without leave to reapply.

Section 55 of the *Residential Tenancy Act* provides as follows:

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.

I have dismissed the tenants' application to dispute the landlord's Notice to End Tenancy. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective October 31, 2015 after service upon the tenants. This order may be registered in the Supreme Court and enforced as an order of that court.

Conclusion

The tenants' application has been dismissed without leave to reapply. The landlord has been granted an order for possession.

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: October 06, 2015

Residential Tenancy Branch

