



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RP, ERP, CNR, OLC, MNDC

Introduction and Preliminary Matters

This telephone conference call hearing was convened as the result of the tenants' application for dispute resolution under the Residential Tenancy Act ("Act"). The tenants applied for an order requiring the landlord to make repairs and emergency repairs to the rental unit, an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice"), an order requiring the landlord to comply with the Act, regulations, or tenancy agreement, and for money owed or compensation for damage or loss under the Act, the tenancy agreement or the regulation.

The hearing began as scheduled and the telephone system remained open and was monitored for 10 minutes.

During this time, the applicants/tenants did not dial into the telephone conference call hearing; however, the landlord was present and ready to proceed with the hearing.

During the hearing, the landlord made an oral request for an order of possession for the rental unit.

The landlord also submitted that one of the listed applicants, "CL", was not a tenant; rather, she was the daughter of the other listed applicant/tenant, "GLT" and that CL came to occupy the rental unit, without the knowledge or consent of the landlord.

The landlord stated that GLT was the only tenant in the present tenancy.

Analysis and Conclusion

In the absence of the tenants to present their application, pursuant to section 10.1 of the Dispute Resolution Rules of Procedure (Rules), and due to the attendance by the respondent/landlord, I dismiss the tenants' application, without leave to reapply.

As I have dismissed the tenants' application for dispute resolution, under section 55(1) of the Act, I must grant the order of possession to the landlord due to his oral request during the hearing. The landlord submitted that he had made a separate fixed term written tenancy agreement with GLT, requiring the tenant to vacate the rental unit by October 31, 2015, and the landlord confirmed at the hearing that the order of possession for the rental unit could be effective on that date.

I therefore grant the landlord an order of possession for the rental unit effective at 1:00 p.m. on October 31, 2015. To be enforceable, the order of possession must be served on the tenants.

Should the tenants fail to vacate the rental unit pursuant to the terms of the order after being served, this order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court. The tenants are advised that costs of such enforcement are recoverable from the tenants.

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 22, 2015

Residential Tenancy Branch

