



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

Introduction

This was a hearing with respect to the tenants' application to cancel a Notice to End Tenancy for unpaid rent. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenants did not attend, although this was the hearing of their application to cancel Notices to End Tenancy for unpaid rent. The hearing was kept open for 15 minutes after the scheduled start time, but the tenants did not attend during that time.

Issue(s) to be Decided

Should the 10 day Notice to End Tenancy for unpaid rent dated December 12, 2015 be cancelled?

Background and Evidence

The rental unit is a basement suite in the landlord's house in Abbotsford. There is no written tenancy agreement. The landlord testified that the tenants are responsible for monthly rent of \$800.00 and 50% of the utilities. The landlord served the tenants with a 10 day Notice to End Tenancy dated December 12, 2015. The Notice required the tenants to move out of the rental unit by December 22, 2015. The tenants applied to dispute the Notice to End Tenancy on December 15, 2015, but they failed to attend the hearing of their application for dispute resolution.

Analysis

In the absence of an appearance by the tenants at the hearing of their application for dispute resolution, the tenants' application is dismissed 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 to the landlord an order of possession of the rental unit if

- (a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

The tenants failed to attend the hearing; accordingly their application has been dismissed. The landlord has served the tenants with a Notice to End Tenancy that complies with the form and content requirements of section 52 of the *Act*. The effective date of the Notice to End Tenancy has passed and I therefore grant the landlord an order for possession effective two days after service on the tenants. This order may be filed 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 immediate order of 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: February 04, 2016

Residential Tenancy Branch

