



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNC

### **Preliminary Matter**

The application was corrected to reflect the proper landlord name, as indicated on the tenancy agreement and the Notice ending tenancy issued to the tenant. This amendment was made in accordance with section 4.2 of the Residential Tenancy Branch Rules of Procedure.

### **Introduction**

This hearing was held in response to the tenants' application in which the tenant has disputed a 1 month Notice ending tenancy for cause issued on December 22, 2015.

This matter was set for hearing at 10:30 a.m. on this date. Three representatives for the landlord were present at the scheduled start time of the hearing. The tenant did not attend by the time the hearing was ended at 10:41 a.m.

Residential Tenancy Branch Rules of Procedure provides:

#### ***7.1 Commencement of the dispute resolution hearing***

*The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.*

#### ***7.3 Consequences of not attending the hearing***

*If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.*

In the absence of an appearance by the tenant by 10:41 a.m., this application is abandoned and dismissed without leave to reapply.

Section 55(1) of the Act provides:

**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.*

Therefore, as the tenants' application is dismissed I find that the landlord must be issued an Order of possession. The landlord confirmed they wished to receive an Order.

### Conclusion

The application is dismissed.

The landlord is entitled to an Order of possession.

This decision is final and binding and 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 17, 2016

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Residential Tenancy Branch

