



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR MNR MNDC ERP RP RR

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution under the *Residential Tenancy Act* (the "*Act*"), in which the tenants sought to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice") dated December 5, 2015, for a monetary order for the cost of emergency repairs in the amount of \$1,088.77, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, for an order directing the landlord to make emergency repairs for health or safety reasons, to make regular repairs to the unit, site or property, and for authorization to reduce rent for repairs, services or facilities agreed upon but not provided.

The hearing commenced on January 6, 2016, and the matter was adjourned to this date, Wednesday, March 2, 2016 at 9:30 a.m. Pacific Time. Both parties were mailed a Notice of a Dispute Resolution Hearing dated January 15, 2016 which provided the date and time of the reconvened hearing. On March 2, 2016 at 9:30 a.m. Pacific Time, the hearing reconvened and only the respondent landlord attended the reconvened hearing. After waiting ten minutes during which time the teleconference was monitored the entire waiting period, the application of the tenants was **dismissed without leave to reapply**.

As the tenants had applied to cancel a 10 Day Notice dated December 5, 2015 which has been dismissed and as of the date of this decision the tenants continue to occupy the rental unit, section 55 of the *Act* applies and states:

Order of possession for the landlord

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.**

[my emphasis added]

Given the above, as I have dismissed the tenants' application and the 10 Day Notice is a valid 10 Day Notice, I must grant the landlord an order of possession. Therefore, I grant the landlord an order of possession effective two (2) days after service on the tenants.

Conclusion

The tenants' application is dismissed without leave to reapply.

The landlord has been granted an order of possession effective two (2) days after service on the tenants. This order must be served on the tenants and may be filed in the Supreme Court of British Columbia and enforced as an order of that court.

This decision is final and binding on the parties, except as otherwise provided under the Act, 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: March 2, 2016

Residential Tenancy Branch

