



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This matter was set for hearing at 09.00 a.m. on this date to hear the tenants' application to have a One Month Notice to End Tenancy for Cause set aside. Since the applicants did not appear at the hearing by 09.10 a.m., but the respondent did appear and was ready to proceed, I dismiss the tenants' application without leave to reapply pursuant to rule 7.3 of the Residential Tenancy Branch *Rules of Procedure*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Analysis

The tenants have failed to appear for a scheduled Dispute Resolution hearing and as a result the tenants' application to set aside a Notice to End Tenancy has been dismissed.

S. 55(1) of the Act provides that:

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 landlord requested an Order of Possession for the rental unit at the hearing. The effective date of the One Month Notice is February 29, 2016; however, as the Notice was served on February 01, 2016 February, the effective date of the Notice has been amended to March 31, 2016 pursuant to s. 53 of the *Act*. As I have dismissed the tenants' application I therefore issue an Order of Possession to the landlord effective two days after service upon the tenants pursuant to s. 55(1)(b) of the *Act*.

Conclusion

The tenant's application is dismissed without leave to re-apply.

The landlord has been issued an Order of Possession effective two days after service upon the tenants pursuant to s. 55(1)(b) of the *Act*. This Order must be served on the tenants. If the tenants remain in Possession of the rental unit and do not relinquish that possession to the landlord then the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: March 30, 2016

Residential Tenancy Branch