



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL

### Introduction

The Application for Dispute Resolution filed by the Tenants seeks an order to cancel the two month Notice to End Tenancy dated February 23, 2016 and setting the end of tenancy for April 30, 2016.

The applicants failed to contact the telephone bridge number at the scheduled start of the hearing. The respondent was present and ready to proceed. The telephone line conference line remained open and the phone system was monitored for ten minutes. The matter was called a second time. The applicants failed to attend. I then proceeded with the hearing.

### Issue:

The issue to be decided is whether the tenants are entitled to an order cancelling a 2 month Notice to End Tenancy dated February 23, 2016 and setting the end of tenancy for April 30, 2016.

### Background and Evidence

The tenancy began in approximately 2009. The rent is \$600 per month payable in advance on the first day of each month. The tenant(s) did not pay a security deposit. The tenants continue to reside in the rental unit. They have not paid rent for April..

### Grounds for Termination:

The Notice to End Tenancy relies on section 49 of the Residential Tenancy Act. That section provides as follows:

- The rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, or child) of the landlord or the landlord's spouse

### Analysis:

The tenants failed to attend the hearing. As a result in the absence of evidence from the applicants I order that their application be dismissed without leave to re-apply.

I order that the tenancy shall end on the date set out in the Notice.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession. The end of tenancy date on the Notice to End Tenancy is April 30, 2016. As a result I granted an Order for Possession effective April 30, 2016,

The tenants must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: April 14, 2016

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Residential Tenancy Branch