



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FF

Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Tenants on June 2, 2016. The Tenants filed seeking an order to cancel a 1 Month Notice to end tenancy for cause and to recover the cost of the filing fee.

The hearing was conducted via teleconference and was attended by the Landlord. No one was in attendance for the Tenants despite this hearing being convened to hear matters pertaining to the Tenants' application for Dispute Resolution.

Issue(s) to be Decided

1. Should the Tenant's application be dismissed with or without leave to reapply?
2. If dismissed, should the Landlord be granted an Order of Possession?

Background and Evidence

No additional evidence was provided in support of the Tenants' application as no one appeared at the teleconference hearing on behalf of the Tenant.

The Landlord appeared and testified that on May 24, 2016 at 12:00 p.m. he personally served the male Tenant a copy of the 1 Month Notice to end tenancy, in the presence of a witness.

Both parties submitted evidence which included a copy of the same 1 Month Notice issued May 24, 2016.

Analysis

Given the evidence before me, in the absence of any evidence from the Tenants who did not appear despite this hearing being scheduled to hear the Tenants' application, I accept the undisputed evidence submitted by the Landlord.

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

In the absence of the applicant Tenants, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenants called into the hearing during this time. Accordingly, in the absence of any submissions from the applicant Tenants, I find the Tenants' application to be meritless and I ordered the application dismissed, without liberty to reapply.

Section 48(1) of the *Act* stipulates that 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 45 [*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.

Upon review of the 1 Month Notice issued May 24, 2016 I find that Notice complies with section 45 [form and content] of the *Act* and I find the Notice was served upon the Tenants in a manner that complies with section 81 of the *Act*.

Based on the above, I hereby grant the Landlord an Order of Possession effective **Two (2) Days after service upon the Tenants**. In the event the Tenants do not comply with this Order it may be enforced through Supreme Court.

Conclusion

The Tenant's application was dismissed, without leave to reapply and the Landlord was granted an Order of Possession.

This decision is final, legally binding, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: June 30, 2016

Residential Tenancy Branch