



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANTAGE WEST REALTY INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, CNC, MT

Introduction

This hearing was convened by way of conference call in response to the tenants' application for an Order to cancel a Ten Day Notice to End Tenancy for unpaid rent or utilities and a One Month Notice to End Tenancy for cause. The tenants have also applied for more time to file an application to cancel the Notice to End Tenancy.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

Commencement of Hearing: The Dispute Resolution Hearing will commence at the scheduled time unless otherwise set by the Arbitrator. Rule 7.3 provides for the consequences of not attending the hearing and states: 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 reapply.

This matter was set for hearing at 09.00 a.m. on this date to hear the tenants' application. The hearing went ahead as scheduled the respondent appeared and was ready to proceed. The line remained open for 17 minutes; however, no one for the tenants dialed into the call.

Based on the above I find that since the applicants did not appear at the hearing by 9.17 a.m., I dismiss the tenants' application without leave to reapply pursuant to rule 7.3 of the Rules of Procedure.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord's agent submitted that she served the tenants with a 10 Day Notice to End tenancy on August 09, 2016 by registered mail and a One Month Notice to End Tenancy for cause on August 26, 2016 in person. Copies of these Notices have been provided in documentary evidence. The 10 Day Notice stated that the tenants owed rent of \$575.00 which was due on August 01, 2016 and the rent was paid on August 23, 2016. The One Month Notice provided the following reason to end the tenancy: The tenant is repeatedly late paying rent.

The landlord's agent testified that the tenants sent an email to the landlord's agent this morning stating they intend to vacate the rental unit on November 01, 2016; however, the landlord requested an Order of Possession to serve upon the tenants in the event they do not vacate as stated.

Analysis

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

S. 55(1) of the *Residential Tenancy Act* (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.

I find the Notices to End Tenancy do comply with s. 52 of the *Act* and the landlord's agent requested that I uphold the Notices and issue an Order of Possession for the rental unit. The effective date of the 10 Day Notice is August 24, 2016 and the effective date of the One Month Notice is September 30, 2016; and these dates have since passed. As I have dismissed the tenants' application I therefore issue an Order of Possession to the landlord pursuant to s. 55 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 **on November 01, 2016** 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: October 24, 2016

Residential Tenancy Branch