



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution filed October 7, 2016 wherein the Tenant sought an Order cancelling a 2 Month Notice for Landlord's Use issued on September 21, 2016 (the "Notice").

The Tenants' application was set for hearing by telephone conference call at 10:30 a.m. on this date. The line remained open while the phone system was monitored until 10:40 a.m. and the only participant who called into the hearing during this time was the Respondent Landlord and his witness.

Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

Commencement of Hearing:

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

Consequences of not attending the hearing

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 re-apply.

As the Applicant Tenants did not attend the hearing by 10:40 a.m., and the Respondent Landlord appeared and was ready to proceed, I dismiss the Tenant's claim without leave to reapply.

Pursuant to section 55(1) of the *Residential Tenancy Act*, **I grant the Landlord an Order of Possession effective 1:00 p.m. on November 30, 2016.** The Landlord must

serve the Order on the Tenant and may file and enforce the Order in the B.C. Supreme 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: November 28, 2016

Residential Tenancy Branch