



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR MT

Introduction and Conclusion

This hearing dealt with the tenant's Application for Dispute Resolution, seeking to cancel a 10 day Notice to End Tenancy for Unpaid Rent or Utilities dated January 5, 2017 (the "10 Day Notice") and for more time to make an application to cancel a notice to end tenancy.

The hearing was held by telephone conference call and began promptly at 9:30 a.m., Pacific Time, on this date, February 2, 2017. The line remained open while the phone system was monitored for 13 minutes and the only participants who called into the hearing during this time were the two respondent landlords. As the applicant tenant did not attend the hearing and after the ten minute waiting period at 9:40 a.m. Pacific Time, the tenant's claim was **dismissed without leave to reapply**. As the tenant did not attend the hearing, I consider the 10 Day Notice to be undisputed.

The landlords testified that the tenant continues to occupy the rental unit. Section 55 of the *Act* states:

Order of possession for the landlord

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.

[my emphasis added]

Given the above and after reviewing a copy of the 10 Day Notice, which had an effective vacancy date of January 15, 2017, and which I find complies with section 52 of the *Act*, and pursuant to section 55 of the *Act*, I must grant an order of possession. Therefore, I grant the landlords an order of possession effective **two (2) days** after service upon the tenant. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

I find the tenancy ended on January 15, 2017 which is the effective vacancy date listed on the 10 Day Notice.

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: February 2, 2017

Residential Tenancy Branch