



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR O

Introduction

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 April 5, 2017 (the "10 Day Notice") and other unspecified relief.

The landlords appeared at the teleconference hearing. The hearing was held by telephone conference call and began promptly at 9:30 a.m., Pacific Time, on this date, May 12, 2017. The line remained open while the phone system was monitored for 32 minutes and the only participants who called into the hearing during this time were the 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 stated that the 10 Day Notice was served by posting on the tenant's door on April 5, 2017 and had an effective vacancy date of April 21, 2017. The tenant received the 10 Day Notice on April 6, 2017 as that was the date the tenant applied to dispute the 10 Day Notice and then failed to attend this hearing.

Background, Evidence and Analysis

The landlords testified that the tenant appears to have abandoned the rental unit as of May 3, 2017 as he disconnected the power as of that date. The landlords are seeking an order of possession; however, in case the tenant decides to return as he has yet to return the rental unit keys to the landlords. Section 55 of the *Act* applies and 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 April 21, 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 on the tenant.

Conclusion

The tenant's application is dismissed without leave to reapply as the tenant failed to attend the hearing as scheduled. I find the tenancy ended on April 21, 2017 which is the effective vacancy date listed on the 10 Day Notice.

The landlord is granted an order of possession effective two (2) days after service on the tenant. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

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: May 12, 2017

Residential Tenancy Branch