



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL, FF

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the two month Notice to End Tenancy dated July 26, 2017.
- b. An order to recover the cost of the filing fee.

The applicant(s) failed to contact the telephone bridge number at the scheduled start of the hearing. The respondent was present and ready to proceed. The telephone line conference line remained open and the phone system was monitored for ten minutes. The applicant(s) failed to appear. I then proceeded with the hearing.

The two month Notice to End Tenancy relies on the following provision of the Residential Tenancy Act:

- The rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, or child) of the landlord or the landlord's spouse

Determination and Orders:

The applicants failed to appear. I determined there was sufficient ground to end the tenancy. The respondent testified the applicants told him they had cancelled the hearing. However, a search of the Registry indicates the cancellation had not made it through the system and the matter was still scheduled for hearing. The respondent also testified the tenants did not pay the rent for September.

As a result I dismissed their application to cancel the two month Notice to End Tenancy. I order that the tenancy shall end on the date set out in the Notice. I further order that the application of the tenant for the cost of the filing fee be dismissed.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for

Possession. As a result I granted the landlord an Order for Possession effective September 30, 2017.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on the parties.

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: September 18, 2017

Residential Tenancy Branch