



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      AAT, CNR, CNE, CNR, PSF

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- an order to allow access to or from the rental unit or site for the tenants or the tenants' guests pursuant to section 70;
- cancellation of the landlord's One Month Notice to End Tenancy for End of Employment (the One Month Notice) pursuant to section 47; and
- an order to the landlord to provide services or facilities required by law pursuant to section 65.

The tenants did not attend this hearing, although I waited until 11:15 a.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord's agent attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord acknowledged receipt of the Tenants' Application for Dispute Resolution (the Application) on October 19, 2017. In accordance with section 89 of the *Act*, I find that the landlord was duly served with the Application.

At the outset of the hearing the landlord testified the tenants paid the monthly rent for October 2017 and November 2017, for use and occupancy only, on October 06, 2017.

### Analysis

Rule 10.1 of the Rules of Procedure provides as follows:

**10.1 Commencement of the hearing** - The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

**In the absence of any evidence or submissions from the applicants, I order the Application dismissed without liberty to reapply.**

Section 55(1) of the *Act* reads as follows:

*If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,*

*(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.*

A copy of the signed One Month Notice, dated September 30, 2017, with an effective date of October 31, 2017, was entered into evidence and I find it is in compliance with section 52 of the *Act*. Based on my decision to dismiss the tenant's application and in accordance with section 55(1) of the *Act*, I find the landlord is entitled to an Order of Possession effective on November 30, 2017, as the tenants have paid for the temporary use of the rental unit until this date.

#### Conclusion

I dismiss the tenants' application for dispute resolution, without leave to reapply.

I grant an Order of Possession to the landlord effective on **November 30, 2017, after service of this Order** on the tenant(s). Should the tenant(s) or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: November 17, 2017

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Residential Tenancy Branch