



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL FFT LRE MNDCT MNRT MT OLC

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. The participatory hearing was held, by teleconference, on January 31, 2018. The Tenants applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

The Respondent/Landlord attended the hearing. The hearing was by telephone conference and began promptly, as scheduled, at 9:30 a.m. Pacific Time on January 31, 2018, as per the Notice of a Dispute Resolution Hearing provided to the Tenants. The line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the Respondent/Landlord who was ready to proceed. The Landlord testified that the Tenants continue to occupy the rental unit.

After the ten minute waiting period, the Tenants' application was **dismissed, in full, without leave to reapply**.

I note that the Tenant's applied to cancel the Landlord's 2-Month Notice (the Notice), in addition to other grounds. However, they failed to attend the hearing and their application was dismissed. With respect to an order of possession, 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]

Pursuant to section 55 of the *Act*, and having reviewed the Notice (provided into evidence), which I find complies with section 52 of the *Act [form and content of the Notice]*, I grant the landlord an order of possession effective **two (2) days** after service on the Tenants.

Conclusion

The Tenants' application has been dismissed in full, without leave to reapply as the Tenants failed to attend the hearing.

The Landlord has been granted an order of possession effective two (2) days after service on the Tenants. This order may be enforced in 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: January 31, 2018

Residential Tenancy Branch