



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC

Introduction

This decision pertains to the Tenants' application for dispute resolution made on March 14, 2018, under the *Residential Tenancy Act* (the "Act"). The Tenants sought the following relief:

1. an order to cancel the Landlord's two month notice to end tenancy for Landlord's use of property; and
2. an order requiring the Landlord to comply with the Act, the regulations or a tenancy agreement.

Issues to be Decided

1. Are the Tenants entitled to an order to cancel the Landlord's two month notice to end tenancy for Landlord's use of property?
2. Are the Tenants entitled to an order requiring the Landlord to comply with the Act, the regulations or a tenancy agreement?

Background and Evidence

A dispute resolution hearing regarding the application was scheduled to commence at 9:00 A.M. on Thursday, May 3, 2018. I dialed into the teleconference at 9:00 A.M., and the line remained open while the phone system was monitored for eleven minutes. The only participant who called into the hearing during this time was the Landlord. The Internet monitoring system indicated that the Landlord and I were the only individuals on the line.

Analysis

Rule 7.1 of the Rules of Procedure requires that a hearing start at the scheduled time unless otherwise set by the arbitrator. Rule 7.3 permits an arbitrator to conduct a hearing in the absence of any party, and may make a decision or dismiss the application, with or without leave to re-apply.

As the Tenants did not attend the hearing by 9:11 A.M., and the Landlord appeared and was ready to proceed, I dismiss the Tenants' claim without leave to reapply.

Section 55 (1) of the Act permits me to grant a landlord an order of possession where (a) the landlord's notice to end tenancy complies with section 52, and (b) the arbitrator, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

In reviewing the Landlord's notice to end tenancy, I find that it complies with section 52. Therefore, I hereby grant to the Landlord an order of possession.

Conclusion

I hereby dismiss the Tenants' claim without leave to reapply.

I hereby grant an order of possession to the Landlord.

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: May 3, 2018

Residential Tenancy Branch