



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, CNR

Introduction

On September 24, 2018, the parties attended a hearing. At that hearing the landlord was granted an order of possession that was based on a Two Month Notice to End Tenancy for Landlord's Use. The landlord was granted an order of possession effective March 1, 2019, as that was the day the fixed term agreement ended.

This hearing dealt with two (2) separate Applications for Dispute Resolution filed by the tenants, seeking to have the landlord comply with the Act, and to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, issued on October 3, 2015.

This matter was set for hearing by telephone conference call at 9:30 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenants did not attend the hearing by 9:40 A.M, and the landlord appeared and was ready to proceed, I dismiss the tenants' application without leave to reapply.

Section 55(1) of the Act 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.

I have reviewed the notice to end tenancy, I find the notice to end tenancy complies with section 52 of the Act.

As I have dismissed the tenants' application, pursuant to section 55 of the Act I must grant the landlord an order of possession of the rental unit.

Therefore, I find that the landlord is entitled to an order of possession effective **two days** after service on the tenants. This order may be filed in the Supreme Court and enforced as an order of that Court. The **tenants are cautioned** that costs of such enforcement are recoverable from the tenant.

This Order supersedes the order of possession issued on September 24, 2018.

Conclusion

The tenants' application is dismissed. The landlord is granted an order of possession.

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 06, 2018

Residential Tenancy Branch