



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

This matter dealt with an application by the Tenants to cancel a 2 Month Notice to End Tenancy for the Landlord's Use of the property and to recover the filing fee.

This matter was set for hearing at 9:30 a.m. on this date. The applicant failed to attend the hearing by 9:40 a.m.

Residential Tenancy Branch Rules of Procedure, section 10.1, provides:

10.1 Commencement of the dispute resolution proceeding

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the dispute resolution proceeding 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 an appearance by the applicant by 9:40 a.m., this application is abandoned and dismissed without leave to reapply.

Consequently, I find pursuant to s. 55(2)(b) of the Act that the Landlord is entitled to an Order of Possession to take effect December 31, 2019 the effective date of the Two Month Notice to End Tenancy for Landlord's Use of the Property dated October 11, 2019.

Conclusion

The Tenants' application to cancel the Notice to End Tenancy is dismissed without leave to reapply.

An Order of Possession effective December 31, 2019 at 1:00 p.m. has been issued to the Landlord. A copy of the Order must be served on the Tenants in accordance with the Act: the Order of Possession and 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: December 16, 2019

Residential Tenancy Branch