



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, RP

Introduction, Preliminary and Procedural Matters

This telephone conference call hearing was convened as the result of the tenants' application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order cancelling the One Month Notice to End Tenancy for Cause (Notice) issued by the landlord;
- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement; and
- an order requiring the landlord to make repairs to the rental unit.

The hearing began as scheduled at 9:30 a.m., Pacific Time, on Tuesday, May 25, 2021, and the telephone system remained open and was monitored for 15 minutes. During this time, the applicants/tenants did not dial into the telephone conference call hearing; however, the landlord was present and ready to proceed with the hearing.

During the hearing, the landlord confirmed that she wanted an order of possession for the rental unit for the reasons listed on the Notice.

While waiting for the tenants to appear, the landlord was affirmed and gave evidence in support of the landlord's Notice. The Notice, which was on the Residential Tenancy Branch (RTB) approved form with content meeting the statutory requirements under section 52 the Act, was dated December 17, 2020, with an effective move out date of January 31, 2021.

The landlord submitted without dispute that she served the Notice to the tenants by attaching it to the tenants' door on April 1, 2021. The tenants' application confirmed service of the Notice on that date.

Analysis

Rules 7.3 and 7.4 of the Rules of Procedure provides as follows:

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, **in the absence of any evidence or submissions from the tenants, I order the tenants' application dismissed, without leave to reapply.**

Given the above, pursuant to section 55(1) of the Act, I must grant an order of possession of the rental unit to the landlord.

I therefore grant the landlord an order of possession of the rental unit effective and enforceable two (2) days after service on the tenants.

Should the tenants fail to vacate the rental unit pursuant to the terms of the order after being served, this order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court.

The tenants are **cautioned** that costs of such enforcement, **including bailiff fees**, are recoverable from the tenants.

Conclusion

The tenants' application is dismissed **without leave to reapply**. The landlord has met the statutory requirements to end the tenancy and is granted an order of possession of the rental unit, effective two days after service on the tenants.

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 25, 2021

Residential Tenancy Branch