



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RP Johnson Const
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MT, CNR; OPT; AAT; FF

Introduction

This Hearing was scheduled to hear the Tenants' application for more time to file their application to cancel a Notice to End Tenancy for Unpaid Rent issued June 10, 2013 (the "Notice"); to cancel the Notice; for an Order of Possession for the Tenants; for an Order that allowing access to or from the rental unit for the Tenants or the Tenants' guests; and to recover the cost of the filing fee from the Landlords.

This application was scheduled to be heard via teleconference on July 18, 2013, at 3:00 p.m. The Landlord signed into the conference on time and was ready to proceed, however by 3:10 p.m., the Tenants had not yet signed into the teleconference. Therefore, the Tenants' application **is dismissed without leave to reapply**.

The Landlord requested an Order of Possession.

Background and Evidence

The Landlord gave the following affirmed testimony:

- The Landlord posted the Notice to the Tenants' door on June 10, 2013.
- The Tenants are still living in the rental unit and have not paid any of the outstanding rent.

Analysis

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 an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

- (a) the landlord makes an oral request for an order of possession, and
- (b) the director dismisses the tenant's application or upholds the landlord's notice.

Based on the undisputed testimony of the Landlord's agent, I am satisfied that the Notice was posted to the Tenants' door on June 10, 2013. Service in this manner is deemed to be effective 3 days after posting, June 13, 2013. Therefore, I find that the effective date of the end of the tenancy was June 23, 2013 and the Tenants are overholding. Further to the provisions of Section 55(1) of the Act, I hereby provide the Landlord with an Order of Possession **effective 2 days after service of the Order upon the Tenants.**

Conclusion

The Tenants' application is **dismissed without leave to re-apply.**

I hereby provide the Landlords with an Order of Possession **effective 2 days after service of the Order upon the Tenants.** This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: July 18, 2013

Residential Tenancy Branch