



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPL

Introduction

This hearing was convened in response to an Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Landlord's Use of Property.

The Landlord stated that he personally served the Tenant with copies of the Application for Dispute Resolution and Notice of Hearing on May 09, 2013. In the absence of evidence to the contrary, I accept that these documents were served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Tenant did not appear at the hearing.

The Landlord stated that he did not submit any evidence to the Residential Tenancy Branch (RTB), although he assumed that the Notice to End Tenancy which he showed employees at the RTB had been photocopied and retained by the RTB. I note that I did not have a copy of the Notice to End Tenancy that is the subject of these proceedings and that RTB employees generally do not copy evidence on behalf of an Applicant or a Respondent.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord stated that on March 28, 2013 he personally served the Tenant with a Two Month Notice for Landlord's Use of Property, which had a declared effective date of May 31, 2013. He stated that he served the Notice because his son plans to move into the rental unit.

The Landlord stated that a third party has informed him that the Tenant may have moved out of the rental unit but he has not recently inspected the unit to see if it has been vacated.

Analysis

I find that the Landlord has submitted insufficient evidence to show that the Landlord served the Tenant with a properly completed Two Month Notice to End Tenancy, as the the Landlord failed to submit a copy of the Notice to End Tenancy to the RTB. Without viewing the form and content of the Notice to End Tenancy and/or without the Tenant and the Landlord jointly informing me of the content of the Notice, I find that I am unable to grant an Order of Possession.

Conclusion

The Landlord's Application for Dispute Resolution is dismissed, with leave to reapply.

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 29, 2013

Residential Tenancy Branch