



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NELDORADO HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL

Introduction

The tenant applies for an order to cancel a 2 month Notice to End Tenancy. At the hearing, the landlord applied for an Order of Possession. The tenant failed to attend the hearing.

Issue(s) to be decided

1. Is the Notice valid to end the tenancy?
2. Is the landlord entitled to an Order of Possession?

Background and Evidence

1. This month-to-month tenancy began June 1, 2014, with monthly rent of \$1,700.00 due on the first day of each month. All rent is paid to date.
2. The tenant was given a 2 month Notice to End tenancy on September 2, 2014. The notice is given on the grounds that a close family member intends to occupy the premises.
3. The effective end of the tenancy is November 30, 2014.

Analysis

Section 49(9) provides that when a tenant does not apply to dispute the 2 month notice within 15 days of receipt, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective day of the notice, and must vacate the rental unit by that date. In this case, the tenant in fact filed a dispute, but as the tenant did not attend the hearing, that dispute is now rendered moot and considered abandoned. The tenant's application is dismissed. I find that the tenant is conclusively presumed to have accepted that the ending of the tenancy

The landlord applies for an order of possession. The landlord's evidence satisfies me that the notice was properly served, and I accept that a close family member intends in good faith to occupy the premises, which is owned by a qualifying family corporation. An Order of Possession is granted to the landlord effective November 30, 2014.

Conclusion

The tenant's application is dismissed. The landlord is granted an Order of Possession, effective November 30, 2014.

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: October 30, 2014

Residential Tenancy Branch

