



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes CNL

### Introduction

This hearing addressed the tenant's application pursuant to section 49 of the *Residential Tenancy Act* (the "*Act*") to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice").

The tenant did not participate in the conference call hearing, which lasted approximately 10 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Because the tenant failed to attend the hearing and present her claim, I dismiss her claim without leave to reapply.

### Background and Evidence

The landlord testified that this tenancy began on October 1, 2015 on a month-to-month basis. Rent in the amount of \$550.00 is payable on the first of each month. The tenant remitted \$100.00 for the security deposit at the start of the tenancy. The tenant continues to reside in the rental unit.

The landlord testified that on July 4, 2016 he personally served the 2 Month Notice to the tenant at the rental unit where the tenant resides. Based on the testimony of the landlord and in accordance with sections 89 and 90 of the *Act*, I find that the tenant has been deemed served with the 2 Month Notice on July 4, 2016, the day it was personally served.

### Analysis

Section 55 of the *Act* establishes that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed or the landlord's notice is upheld. Section 52 of the *Act* provides that a notice to end tenancy from a landlord must be in writing and must be signed and dated by the landlord, give the address of the rental unit, state the effective

date of the notice, state the grounds for ending the tenancy, and be in the approved form.

Based on the landlord's testimony and the 2 Month Notice before me, I find the 2 Month Notice complies in form and content. As the 2 Month Notice complies in form and content and as the tenant's application has been dismissed I find that the landlord is entitled to an order of possession effective October 1, 2016 at 1:00 p.m.

### Conclusion

The tenant's entire application is dismissed without leave to reapply.

An order of possession is granted to the landlord effective October 1, 2016 at 1:00 p.m.

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: August 26, 2016

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Residential Tenancy Branch