



# 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 tenants' 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 tenants 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 tenants failed to attend the hearing and present their claim, I dismiss their claim without leave to reapply.

### Background and Evidence

As per the submitted tenancy agreement and testimony of the landlord, the tenancy began on July 1, 2014 on a month-to-month basis. Rent in the amount of \$1,200.00 is payable on the first of each month. The tenants continue to reside in the rental unit.

The landlord testified that the tenant was personally served with the landlord's 2 Month Notice, dated June 29, 2016 on the same date, at the rental unit. The landlord provided a signed, witness proof of service. In accordance with sections 88 and 90 of the *Act*, I find that the tenant was deemed served with the landlord's 2 Month Notice on June 29, 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 tenants' application has been dismissed I find that the landlord is entitled to a two (2) day order of possession, pursuant to section 55 of the *Act*.

### Conclusion

The tenants' entire application is dismissed without leave to reapply.

An order of possession is granted to the landlord effective **two (2) days after service on the tenant**.

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: September 02, 2016

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Residential Tenancy Branch