



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      CNL OLC FF

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 1:42 p.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 1:30 p.m. The landlord attended the hearing and was given a full opportunity to provide sworn testimony and present evidence.

As the tenant failed to attend the hearing, the tenant's application is dismissed in its entirety without leave to reapply.

### Issues

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began approximately 2 years ago with a monthly rent of \$1100.00 payable on the 1<sup>st</sup> day of each month.

The landlord testified that on January 31, 2017 the tenant was personally served with the 2 Month Notice to End Tenancy for landlord's use of property.

The tenant's application to cancel the 2 Month Notice was filed on February 11, 2017 within the time period permitted under the Act.

### Analysis

I am satisfied that the tenant was personally served with the 2 Month Notice to End Tenancy for Landlord's Use of Property on January 31, 2017 pursuant to section 88 of the Act.

Although the tenant filed an application for dispute resolution within the time limit permitted under the Act, I find the tenant's application must be dismissed as the tenant failed to attend the hearing and present evidence to support the application.

Section 55(1) of the *Act* states that if a tenant applies to dispute a landlord's notice to end tenancy and their Application for Dispute Resolution is dismissed or the landlord's notice is upheld the landlord must be granted an order of possession if the notice complies with all the requirements of Section 52 of the *Act*.

I find that the Notice issued by the landlord complies with the requirements of Section 52 of the Act, accordingly, the landlord is granted an Order of Possession pursuant to section 55 of the Act.

### Conclusion

I grant an Order of Possession to the landlord effective **1:00 p.m. on March 31, 2017**, after service on the tenant. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: March 13, 2017

---

Residential Tenancy Branch