



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's agent 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 on February 17, 2017 she forwarded the 2 Month Notice via registered mail to the tenant. The landlord provided a Canada Post tracking number as proof of service. 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 February 22, 2017, the fifth day after its registered mailing.

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 April 30, 2017 at 1:00 p.m.

Conclusion

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

An order of possession is granted to the landlord effective April 30, 2017 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: April 04, 2017

Residential Tenancy Branch