



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      OPL FF

### Introduction

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

- an order of possession for landlord's use of property pursuant to section 55;

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 9:10 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:00 a.m. The landlord's agent attended the hearing and was given a full opportunity to provide testimony, to present evidence and to make submissions.

The landlord's agent testified that on April 21, 2017, a copy of the Application for Dispute Resolution and Notice of Hearing was sent to the tenant by registered mail. A registered mail receipt and tracking number was provided in support of service.

Based on the above evidence, I am satisfied that the tenant was served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to sections 89 & 90 of the Act. The hearing proceeded in the absence of the tenant.

### Issues

Is the landlord entitled to an order of possession for landlord's use of property?

### Background and Evidence

The tenancy began on September 1, 2015 with a monthly rent of \$1000.00 payable on the 1<sup>st</sup> day of each month.

The landlord's agent testified that on December 20, 2016 he served the tenant with the 2 Month Notice to End Tenancy by posting a copy to the door of the rental premises. In addition, on December 21, 2016 he personally served the tenant with the 2 Month

Notice to End Tenancy. The landlord's agent submitted pictures of the notice posted to the rental unit door in support of service.

### Analysis

I am satisfied that the tenant was deemed served with the 2 Month Notice on December 23, 2016, three days after its posting, pursuant to sections 88 & 90 of the Act. I find the notice complies with the form and content requirements of section 52 of the Act.

Pursuant to section 49 of the *Act*, the tenant may make a dispute application within fifteen days of receiving the 2 Month Notice. If, as in the present case, the tenant does not make an application for dispute within fifteen days, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice, February 28, 2017.

Therefore, I find that the landlord is entitled to an Order of Possession pursuant to section 55 of the Act.

### Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant 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: May 24, 2017

---

Residential Tenancy Branch