



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

Introduction and Analysis

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for cancellation of a 2 Month Notice to End Tenancy for Landlord's Use of Property (the "2 Month Notice") and recovery of the application filing fee.

Both of the named landlords attended the hearing, with a witness. The landlords were represented by counsel. The tenant did not attend at the hearing of his own application.

One of the landlords testified that the 2 Month Notice was posted on the tenant's door on April 27, 2017. A Proof of Service form signed by both of the landlords and their witness was in evidence. In accordance with sections 88 and 90 of the Act, I find that that the tenant was duly served with the 2 Month Notice on April 30, 2017, three days after it was posted.

The 2 Month Notice was signed by the landlords but dated only April, 2017. Section 52 requires that a notice to end tenancy be signed and dated. However, s. 68 allows me to amend a non-compliant notice where the person receiving it knew or should have known the information that was omitted from the notice and it is reasonable to amend in the circumstances. As the 2 Month Notice at issue was served on April 27, 2017 by posting I amend the 2 Month Notice such that it is also dated April 27, 2017.

The tenant filed his application to dispute the 2 Month Notice on May 7, 2017. However, he has not attended at the hearing of his own application. In the absence of the tenant, I dismiss the tenant's application.

Section 55(1)(b) of the Act requires that I issue an order of possession where the tenant's application to dispute a notice to end tenancy is dismissed and the landlord's notice complies with s. 52. The landlord's notice is compliant with s. 52. Accordingly, I issue an order of possession in favour of the landlords effective at 1:00 pm on June 30, 2017, the effective date of the 2 Month Notice.

Conclusion

The tenant's application is dismissed.

I issue an order of possession in favour of the landlords effective at **1:00 pm on June 30, 2017**.

The tenant and anyone on the premises must vacate the premises by that date. Should the tenant or anyone on the premises fail to comply with this order, this order may be filed and enforced as an order of the Supreme Court of British Columbia.

As the tenant did not attend and his application is dismissed, he is not entitled to recover the application filing fee.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the Act.

Dated: June 16, 2017

Residential Tenancy Branch