



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNL

Introduction

The tenant has applied to cancel a two month Notice to end tenancy for landlords' use of the property.

At the start of the hearing the landlord entered the conference call hearing. The tenant did not enter the conference call hearing.

Issue(s) to be Decided

Should the one month Notice ending tenancy for cause be cancelled or must the landlord be issued an order of possession?

Background and Evidence

The tenant did not supply a copy of the Notice ending tenancy that is in dispute.

The landlord said that the two month Notice ending tenancy for landlords' use was issued on August 29, 2017. The Notice has an effective date of October 31, 2017. The Notice indicates that the landlord has all necessary permits and approvals to demolish or renovate the rental unit.

The tenant applied to cancel the Notice on September 18, 2017; indicating that the tenant needed more time to locate a new rental unit.

The landlord provided affirmed testimony that the tenant has paid November 2017 rent. A receipt was issued indicating that if the tenant vacated at the end of November the

rent would be returned, as the compensation due to the tenant, pursuant to section 51 of the Act.

The landlord said that they have told the tenant they can extend the vacancy date to December 31, 2017 at the latest.

After 16 minutes the tenant had not entered the hearing in support of the application and the application was dismissed.

Analysis

From the evidence before me I find that the tenant received the Notice ending tenancy and disputed the Notice. It was not established if the application to dispute was made within the required time limit. However, the landlord has agreed to extend the effective date of the Notice ending tenancy to December 31, 2017.

In the absence of the tenant, who failed to attend the hearing in support of the application, I find that the application is dismissed.

Section 55(1) of the Act provides:

55 (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if*

(a) the landlord's notice to end tenancy complies with section 52 [form and content of notice to end tenancy], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

Therefore, as the application is dismissed I find that the landlord must be issued an order of possession. Based on the landlord's agreement I find that the effective date of the Notice is December 31, 2017.

The landlord has been granted an Order of possession that is effective at **1:00 p.m. on December 31, 2017**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

The tenant will be entitled to compensation payable pursuant to sections 50 and 52 of the Act. The tenant may issue notice to end the tenancy earlier than the effective date, pursuant to section 50 of the Act.

Conclusion

The application is dismissed.

The landlord has been issued an order of possession effective at **1:00 p.m. December 31, 2017.**

This decision is final and binding and 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: November 14, 2017

Residential Tenancy Branch