



Dispute Resolution Services

Page: 1

Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding REMAX CHECK REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, FF

Introduction

On September 14, 2017, the Tenant submitted an Application for Dispute Resolution asking to cancel a 2 Month Notice to End Tenancy for Landlord Use of Property, and to recover the filing fee for the Application.

The matter was scheduled as a teleconference hearing. The Landlord appeared at the hearing; however, the Tenant did not. The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord testified that she issued the Tenant a 2 Month Notice To End Tenancy For Landlord's Use Of Property dated August 28, 2017. She testified that the 2 Month Notice was posted to the Tenant's door.

The Notice provides information for Tenants who receive the Notice. The Notice states that a Tenant has the right to dispute the Notice within 15 days after receiving it by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

On September 14, 2017, the Tenant applied for Dispute Resolution to dispute the 2 Month Notice but she did not appear at the hearing.

The Landlord testified that she believes the Tenant is in the process of moving out of the rental unit. The Landlord requested an order of possession for the rental unit.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenant applied for Dispute Resolution to cancel a 2 Month Notice to End Tenancy but failed to attend the hearing. Therefore, I dismiss the Tenant's Application to cancel the 2 Month Notice To End Tenancy For Landlord's Use Of Property dated August 28, 2017.

Under section 55 of the Act, when a Tenants application to cancel a Notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

I find that the 2 Month Notice issued by the Landlord meets the requirements for form and content.

I find that the Landlord is entitled to an order of possession effective two (2) days after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The Tenant failed to attend the hearing. The Tenant's application to cancel the 2 Month Notice is dismissed. The Landlord is granted an order of possession.

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: December 04, 2017

Residential Tenancy Branch