



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC, PSF, FFT

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution (the Application) pursuant to the *Residential Tenancy Act* ("the *Act*") for:

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property (the Two Month Notice) pursuant to section 49;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to provide services or facilities required by law pursuant to section 65; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant did not attend this hearing, although I waited until 11:13 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord confirmed that they received the Tenant's Application for Dispute Resolution (Application) and evidence. In accordance with sections 88 and 89 of the *Act*, I find the landlord was duly served with the Application and evidence.

As the tenant disputed the One Month Notice on October 17, 2017, I find the tenant was duly served with the One Month Notice pursuant to section 88 of the *Act*.

Analysis

Rules 7.1 and 7.3 of the Rules of Procedure provides as follows:

Commencement of the hearing - The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

In the absence of any evidence or submissions from the applicant, I order the application dismissed without liberty to reapply.

Section 55(1) of the *Act* reads as follows:

If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

- (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.*

I find that the Two Month Notice complies with section 52 of the *Act*. Based on my decision to dismiss the tenant's Application and in accordance with sections 53 (2) and 55(1) of the *Act*, I find that this tenancy ended on the corrected effective date of the Two Month Notice, December 31, 2017. In this case, the tenant and anyone on the premises were required to vacate the premises by December 31, 2017. The landlord testified that the tenant has paid the monthly rent for use and occupancy for January 2018. For this reason, I find that the landlord is entitled to an Order of Possession effective as of January 31, 2018.

Conclusion

I grant an Order of Possession to the landlord **to take effect by 1:00 p.m. on January 31, 2018, after service of this Order** on the tenant. 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.

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: January 09, 2018

Residential Tenancy Branch