



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, DRI, OLC, FFT

Introduction

This decision pertains to the Tenant's application for dispute resolution made on May 28, 2018, under the *Residential Tenancy Act* (the "Act"). The Tenant sought the following relief under the Act:

1. an order cancelling the Landlord's Two Month Notice to End Tenancy for Landlord's Use of Property, issued under section 49(6)(e), (the "Notice");
2. to dispute a rent increase;
3. an order for the Landlord to comply with the Act, the Regulation, or the tenancy agreement, as it relates to a rent increase; and,
4. recovery of the filing fee.

The Landlord attended the hearing before me and was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The Tenant did not attend.

While I have reviewed all oral and documentary evidence submitted, only relevant evidence pertaining to the issues of this application is considered in my decision.

I note that section 55 of the Act requires that when a tenant applies for dispute resolution seeking to cancel a notice to end tenancy issued by a landlord, I must consider if the landlord is entitled to an order of possession if the application is dismissed and the landlord has issued a notice to end tenancy that complies with the Act.

Issues to be Decided

1. Is the Tenant entitled to an order cancelling the Notice?
2. If the Tenant is not entitled to an order cancelling the Notice, is the Landlord entitled to an order of possession under section 55 of the Act?
3. Is the Tenant entitled to an order for the Landlord to comply with the Act, Regulation, or the tenancy agreement?
4. Is the Tenant entitled to recovery of the filing fee?

Background and Evidence

The hearing commenced at 9:30 a.m. on July 13, 2018. The Landlord was on the line. After waiting ten minutes without the Tenant attending, service of the Notice was confirmed by the Landlord. The Notice was served on the Tenant, in-person, by the Landlord on May 15, 2018, with an effective end of tenancy date of July 16, 2018. The Landlord issued the Notice for the following reason: the Landlord “intends to convert the rental unit for use by a caretaker, manager or superintendent of the residential property.”

The hearing concluded at 9:46 a.m. after I advised the Landlord that I would be issuing an order of possession of the rental unit, and I confirmed his email address to which the Decision and the Order would be sent.

Analysis

As the Tenant did not attend the hearing, I dismiss the Tenant’s application in its entirety, without leave to reapply.

Section 55(1) of the Act states that if a tenant applies to dispute a landlord’s notice to end tenancy and their application for dispute resolution is dismissed, or the landlord’s notice is upheld, the landlord must be granted an order of possession if the notice complies with all the requirements of Section 52 of the Act.

Section 52 of the Act requires that any notice to end tenancy issued by a landlord must (1) be signed and dated by the landlord, (2) give the address of the rental unit, (3) state the effective date of the notice, (4) state the grounds for ending the tenancy, and (5) be in the approved form.

I have reviewed the One Month Notice to End Tenancy for Cause issued by the landlord on May 15, 2018, and find that it complies with the requirements set out in section 52.

Given the above, I hereby uphold the Landlord's Notice and grant an order of possession of the rental unit to the Landlord.

Conclusion

I dismiss the Tenant's application in its entirety without leave to reapply.

The Landlord is entitled to an order of possession effective two days from the date on which the order is served on the Tenant, pursuant to section 55(1) of the Act. This order may be filed in 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 Act.

Dated: July 17, 2018

Residential Tenancy Branch