



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for an Order of Possession for landlord's use of property pursuant to section 55.

The tenant did not attend this hearing, which lasted approximately 15 minutes. The landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that they served the 2 Month Notice to End Tenancy for Landlord's Use dated December 3, 2018 by registered mail sent on December 7, 2018. The landlord provided a Canada Post tracking number as evidence of service. Based on the evidence I find that the tenant was deemed served with the 2 Month Notice on December 12, 2018, five days after mailing, in accordance with sections 88 and 90 of the *Act*.

The landlord testified that they served their application for dispute resolution dated December 30, 2018 on the tenant by registered mail sent on January 3, 2019. The landlord provided a Canada Post tracking number and receipt as evidence of service. Based on the evidence I find that the tenant was deemed served with the application and evidentiary materials on January 8, 2019, five days after mailing in accordance with sections 88, 89 and 90 of the *Act*.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord gave undisputed evidence regarding the following facts. This periodic tenancy began in 2016. The landlord issued a 2 Month Notice dated December 3, 2018 providing an end of tenancy date of February 28, 2019. A copy of the 2 Month Notice was submitted into documentary evidence. The reason provided for the tenancy to end is that the landlord or a close family member will occupy the rental unit. The landlord testified that the rental unit will be occupied by their parent.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend. I accept the evidence before me that the tenant failed to dispute the 2 Month Notice within the 15 days of the date of deemed service on December 12, 2018, granted under section 49(8) of the *Act*. Accordingly, I find that the tenant is conclusively presumed under section 49(9) of the *Act* to have accepted that the tenancy ends on the effective date of the 2 Month Notice, February 28, 2019.

I find that the landlord's 2 Month Notice conforms with the form and content requirements of the *Act* as it provides the correct rental address, the effective date and the reason for the tenancy to end. I accept the landlord's evidence that their parent intends to occupy the rental suite. Therefore, I find that the landlord is entitled to an Order of Possession for February 28, 2019, the effective date of the 2 Month Notice, pursuant to section 55 of the *Act*.

Conclusion

I grant an Order of Possession to the landlord effective on February 28, 2019. 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: February 11, 2019

Residential Tenancy Branch