



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes                      CNL, RR, FF

### Introduction

On January 19, 2019, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") seeking to cancel a Two Month Notice to End Tenancy for Landlord Use of Property; for a rent reduction, and to recover the filing fee for the Application.

The matter was set for a conference call hearing. Both parties appeared at the hearing.

### Preliminary and Procedural Matters

At the outset of the hearing the Tenant withdrew his application in its entirety. The Tenant testified that he is accepting the Two Month Notice and will be vacating the rental unit on March 31, 2019.

### Issue to be Decided

- Is the Landlord entitled to an order of possession for the rental unit?

### Background and Evidence

The Landlord issued the Tenant a Two Month Notice To End Tenancy For Landlord's Use Of Property dated January 17, 2019 ("the 2 Month Notice"). The reason the Landlord selected for ending the tenancy is:

*The rental unit will be occupied by the Landlord or the Landlord's close family member.*

The 2 Month 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 it is assumed to be received by filing an Application for Dispute Resolution at the Residential Tenancy Branch. The

effective date (the date the Tenant must move out of the rental unit) on the Notice is March 31, 2019.

### Analysis

The Tenant withdrew his application to cancel the Two Month Notice To End Tenancy For Landlord's Use Of Property dated January 17, 2019. The Tenants' application to cancel the 2 Month Notice is dismissed.

Under section 55 of the Act, when a Tenant's 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 complies with the requirements regarding form and content and I find that the Landlord is entitled to an order of possession effective by 1:00 p.m. on March 31, 2019, after service on the Tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

Since the Tenant withdrew his application in its entirety, I do not grant recovery of the cost of the filing fee.

### Conclusion

The Tenant's Application to cancel the Two Month Notice To End Tenancy For Landlord's Use Of Property dated January 17, 2019, is dismissed.

I grant the Landlord an order of possession effective by 1:00 p.m. on March 31, 2019. The Tenant must be served with the 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: March 04, 2019

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Residential Tenancy Branch