



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, RP, OLC, FFT

Introduction

On February 4, 2019, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) seeking to cancel a 2 Month Notice to End Tenancy for Landlord Use of Property; for the Landlord to comply with the Act, Regulations, or tenancy agreement; for an order for the Landlord to make repairs to the rental unit; and to recover the filing fee for the application.

This matter was set for hearing by telephone conference call at 11:00 am on this date. The Landlord appeared at the hearing; however, the Tenant did not. The line remained open while the phone system was monitored for ten minutes and the Applicant/ Tenant did not call into the hearing during this time. Therefore, as the Applicant did not attend the hearing by 11:10 am, I dismiss the application with leave to reapply. This is not an extension of any statutory deadline.

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.

The Landlord testified that she issued the Tenant a 2 Month Notice To End Tenancy For Landlord’s Use Of Property (“the 2 Month Notice”). The 2 Month Notice indicates it was served to the Tenant on January 21, 2019, in person. The effective date of the 2 Month Notice is April 1, 2019. The reason the Landlord selected for ending the tenancy on the Notice is:

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

The Landlord provided a copy of the 2 Month Notice.

The Tenant disputed the 2 Month Notice on February 4, 2019, within the required timeframe; however, she failed to attend the hearing to pursue the dispute.

Analysis

Despite a date error on 2 Month Notice of when the Landlord signed the 2 Month Notice, I find it was issued to the Tenant on January 21, 2019. 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 for the rental unit effective by 1:00 p.m. on April 1, 2019, 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 dispute hearing. The Tenant's Application to cancel the 2 Month Notice To End Tenancy For Landlord's Use Of Property dated March 31, 2019 is dismissed.

I grant the Landlord an order of possession effective by 1:00 p.m. on April 1, 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 19, 2019

Residential Tenancy Branch