



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

Introduction

On April 9, 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, and to recover the filing fee for the Application.

The matter was set for a conference call hearing at 9:30 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 did not call into the hearing during this time. Therefore, as the Applicant did not attend the hearing by 9:40 AM, I dismiss the application without leave to reapply.

The Landlord testified that she served the 2 Month Notice To End Tenancy For Landlord's Use Of Property to the tenant by posting the Notice on his door on March 28, 2019. The 2 Month Notice has an effective date of June 1, 2019.

Under section 55 of the Act, when a Tenants 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 To End Tenancy For Landlord's Use Of Property meets the requirements for form and content.

I find that the Landlord is entitled to an order of possession effective by 1:00 p.m. on June 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 hearing and his application to cancel the 2 Month Notice To End Tenancy For Landlord's Use Of Property dated March 28, 2019, is dismissed without leave to reapply.

I grant the Landlord an order of possession effective by 1:00 p.m. on June 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: May 27, 2019

Residential Tenancy Branch