



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FFL

Introduction

This hearing was scheduled for 9:30 a.m. on this date to hear the landlord's application for an Order of Possession based on a *2 Month Notice to End Tenancy for Landlord's Use of Property* ("2 Month Notice").

The tenant appeared at the hearing; however, there was no appearance on part of the landlord despite leave the teleconference call open at least 10 minutes. I confirmed that the correct dial-in information was provided on the Notice of Dispute Resolution Proceeding and that only the tenant and I were on the teleconference call.

The tenant confirmed that the landlord personally served her with notification of this hearing although she was uncertain as to the purpose of the proceeding since she is going to vacate the rental unit by the effective date of the 2 Month Notice she received from the landlord.

Since the landlord failed to appear at the hearing and demonstrate his entitlement to the remedy he is seeking, I dismissed the landlord's application. Having dismissed the landlord's application I deny his request for an Order of Possession. Nor, do I award the landlord recovery of the filing fee he paid for this application.

Having heard the tenant intends to comply with the 2 Month Notice she received from the landlord, I have not cancelled the 2 Month Notice and it remains intact. Accordingly, the tenant remains entitled to the benefits that a 2 Month Notice provides for tenants and the landlord(s) remain obligated to use the rental unit for the purpose stated on the 2 Month Notice.

Conclusion

The landlord's application has been dismissed in its entirety due to the landlord's failure to appear at the hearing. The 2 Month Notice, however, remains intact and the parties remain entitled and obligated by the 2 Month Notice.

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: June 27, 2019

Residential Tenancy Branch