



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPL FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for landlord's use of property pursuant to section 55;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 11:15 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord attended the hearing and was given a full opportunity to provide affirmed testimony, to present evidence and to make submissions.

The landlord testified that on June 19, 2019, copies of the Application for Dispute Resolution and Notice of Hearing were sent to both tenants by registered mail. Registered mail tracking numbers and receipts were provided in support of service.

Based on the above evidence, I am satisfied that the tenants were served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to sections 89 & 90 of the Act. The hearing proceeded in the absence of the tenants.

Issues

Is the landlord entitled to an order of possession for landlord's use of property (the "Two Month Notice")?

Is the landlord entitled to recover its filing fee?

Background and Evidence

The tenancy began on September 1, 2017. The tenants paid a security deposit of \$450.00 at the start of the tenancy which the landlord continues to hold.

The landlord testified that on May 21, 2019 the tenant N.G. was personally served with the Two Month Notice. A witnessed Proof of Service form of the Two Month Notice was provided on file. The effective date of the Two Month Notice is August 1, 2019. The Two Month Notice was issued on the ground that the landlord intends to occupy the rental unit.

Analysis

I am satisfied that the tenant N.G. was personally served with the Two Month Notice on May 21, 2019. I find the Two Month Notice complies with the form and content requirements of section 52 of the Act.

Pursuant to section 49 of the *Act*, the tenant may make a dispute application within fifteen days of receiving the Two Month Notice. If, as in the present case, the tenant does not make an application for dispute within fifteen days, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice, August 1, 2019.

Therefore, I find that the landlord is entitled to an Order of Possession pursuant to section 55 of the Act.

As the landlord was successful in this application, I find that the landlord is entitled to recover the \$100.00 filing fee paid for this application. This amount can be retained from the security deposit.

Conclusion

I grant an Order of Possession to the landlord effective August 1, 2019. Should the tenant 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: July 30, 2019

Residential Tenancy Branch