



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding M'akola Housing Society and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPQ

### Introduction

This hearing dealt with the landlord's application pursuant to section 55 of the *Residential Tenancy Act* (the "Act") for an Order of Possession.

The tenant did not attend this hearing which lasted approximately 10 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information. The corporate landlord was represented by their agent (the "landlord") who was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord filed their application for dispute resolution on January 13, 2020 and served their hearing package on the tenant by registered mail on January 20, 2020. The landlord provided a valid Canada Post tracking number as evidence of service. Based on the evidence I find that the tenant is deemed served with the landlord's hearing package on January 25, 2020, five days after mailing, in accordance with sections 88, 89 and 90 of the *Act*.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

This periodic tenancy began in 2016. The rental unit is for family occupancy. A term of the tenancy agreement is that the tenant is required to show their eligibility for the unit by demonstrating that there are minor children residing in the unit in the tenant's care.

The landlord issued a 2 Month Notice to End Tenancy dated September 12, 2019 on that date by registered mail on the tenant. The landlord provided a valid Canada Post tracking number and receipt as evidence of service. The reason provided on the 2 Month Notice for the tenancy to end is that the tenant no longer qualifies for the rental unit.

The landlord testified that the tenant no longer has minor children in their care and that despite several requests for documentation regarding a care plan for the children none was provided by the tenant.

The tenant did not file an application to dispute the 2 Month Notice.

### Analysis

Based on the evidence of the landlord and in accordance with sections 88 and 90 of the Act, I find that the tenant was deemed served with the 2 Month Notice on September 17, 2019, five days after mailing.

Section 49.1 of the Act provides that a tenant may dispute a 2 Month Notice by making an application within 15 days of receipt of the notice. If a tenant does not file an application to dispute the notice they are conclusively presumed to have accepted that the tenancy ends on the effective date of the notice.

As the tenant did not file any application to dispute the 2 Month Notice, I find that the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date, November 30, 2019.

I find the 2 Month Notice meets the form and content requirement of section 52 of the Act as it is in the prescribed format, is signed and dated by the landlord, provides the address of the rental unit, the effective date of the notice and the grounds for the tenancy to end. I accept the landlord's evidence that the tenant has ceased to qualify for the rental unit. Accordingly, I issue an Order of Possession in the landlord's favour. As the effective date of the notice has passed I issue an Order enforceable 2 days after service.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or any occupant on the premises 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: March 17, 2020

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Residential Tenancy Branch