



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlord: OPL FF
 Tenant: CNL MT

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “*Act*”).

The Landlord’s Application for Dispute Resolution was made on April 30, 2020 (the “Landlord’s Application”). The Landlord applied for the following relief, pursuant to the *Act*:

- an order of possession based on a Two Month Notice to End Tenancy for Landlord’s Use of Property, dated February 5, 2020 (the “Two Month Notice”); and
- an order granting recovery of the filing fee.

The Tenant’s Application for Dispute Resolution was made on April 28, 2020 (the “Tenant’s Application”). The Tenant applied for the following relief pursuant to the *Act*:

- an order cancelling the Two Month Notice; and
- more time to make an application for dispute resolution; and
- an order that the Landlord comply with the *Act*, regulation, and/or the tenancy agreement.

The Landlord attended the hearing and was accompanied by M.C., his spouse. The Landlord and M.C. provided affirmed testimony. The Tenant did not attend the hearing. As a result, I find that the Tenant’s Application to cancel the Two Month Notice is dismissed without leave to reapply.

When a tenant's application to cancel a notice to end tenancy is dismissed and the notice complies with section 52 of the *Act*, section 55 of the *Act* requires that I grant an order of possession to a landlord. The *Act* does not require that I consider the merits of the notice. Having reviewed the Two Month Notice, I find it complied with section 52 of the *Act*. Accordingly, I find the Landlord is entitled to an order of possession, which will be effective two (2) days after it is served on the Tenant.

Having been successful, I find the Landlord is entitled to recover the \$100.00 filing fee paid to make the Landlord's Application. I order that this amount may be deducted from the security deposit held.

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 5, 2020

Residential Tenancy Branch