



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      OPL

### 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;

The hearing was conducted by conference call. The tenants 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 5, 2020, a copy of the Application for Dispute Resolution and Notice of Hearing was sent to each tenant by registered mail. Registered mail stickers with tracking numbers were provided in support of service.

Based on the above evidence, I am satisfied that the tenant was 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")?

### Background and Evidence

The tenancy for this basement suite began in 2012. The current monthly rent is \$1000.00 payable on the 1<sup>st</sup> day of each month.

The landlord testified that on January 31, 2020 he personally served the tenant D.N. with the Two Month Notice. A witnessed Proof of Service form of the Two Month Notice was provided on file. The landlord testified that his family needs more room and require the basement suite for their own use. The landlord testified the tenants have not vacated the unit as per the effective date of the Two Month Notice, March 31, 2020.

### Analysis

I am satisfied that the tenant D.N. was personally served with the Two Month Notice on January 31, 2020. 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, March 31, 2020.

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

### Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenants 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: June 05, 2020

---

Residential Tenancy Branch