



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **OPL, FFL**

### Introduction

This hearing dealt with an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- An order of possession under a Two Month Notice to End Tenancy for Landlord's Use ("Two Month Notice") pursuant to sections 48 and 55
- Authorization to recover the filing fee for this application pursuant to section 72.

The landlord attended and was given a full opportunity to be heard, to present affirmed testimony, make submissions, and call witnesses. I explained the hearing process and provided the landlord with an opportunity to ask questions.

The tenant did not attend the hearing. I kept the teleconference line open from the scheduled time for the hearing for an additional 11 minutes to allow the tenant the opportunity to call. The teleconference system indicated only the landlord and I had called into the hearing. I confirmed the correct call-in number and participant code for the tenant was provided.

The landlord provided affirmed testimony the landlord served the tenant with the Notice of Hearing and Evidence Package by sending the documents by registered mail on September 24, 2020. The landlord provided the tracking number referenced on the first page. He submitted a witnessed Proof of Service document in the RTB form.

Further to the affirmed testimony of the landlord and the supporting documents, I find the landlord has served the tenant as required under the *Act* effective five days after service pursuant to section 90, that is, on September 29, 2020.

The landlord withdrew his claim for reimbursement of the filing fee.

### Issue(s) to be Decided

Is the landlord entitled to the following:

- An order of possession under a Two Month Notice to End Tenancy for Landlord's Use ("Two Month Notice") pursuant to sections 48 and 55;

### Background and Evidence

The landlord provided the following uncontradicted testimony. The landlord did not provide evidence of the starting date of the verbal month-to-month tenancy. Rent is \$600.00 payable monthly. The tenant provided no security deposit.

The landlord testified the Two Month Notice to End Tenancy for Landlord's Use (the "Two Month Notice") dated July 29, 2020 stating the landlord intended to occupy the unit was personally served on the tenant on that date with an effective date of October 1, 2020, corrected to September 30, 2020. The landlord submitted a copy of the Notice which was in the RTB form.

The landlord testified the tenant did not file an application to dispute the Two Month Notice. The landlord testified the tenant has not paid any rent for six months.

The landlord requested an Order of Possession.

### Analysis

The landlord provided undisputed evidence at this hearing as the tenant did not attend. I find that the tenant was served with the Two Month Notice on July 29, 2020. I accept the landlord's evidence that the tenant did not dispute the Two Month Notice within 15 days.

I am satisfied the form and content of the landlord's Two Month Notice complies with Section 52 of the *Act* and was served in accordance with Section 88 of the *Act*.

Accordingly, I find that the tenant is conclusively presumed under Section 49(9) of the *Act* to have accepted that the tenancy ended on the effective date of the Two Month Notice corrected to September 30, 2020.

Therefore, I find that the landlord is entitled to an Order of Possession, pursuant to Section 55 of the *Act*. I issue an Order of Possession effective after two days notice.

Conclusion

I grant an Order of Possession to the landlord effective on two days notice. This Order must be served on the tenant. Should the tenant or anyone 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: October 16, 2020

---

Residential Tenancy Branch