



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, LRE, OLC, FFT

Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for landlord's use of property; an order limiting or setting conditions on the landlords' right to enter the rental unit; an order that the landlords comply with the *Residential Tenancy Act*, regulation or tenancy agreement; and to recover the filing fee from the landlords for the cost of the application.

One of the named landlords attended the hearing, gave affirmed testimony and represented the other named landlord. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenant joined the call. Therefore, I dismiss the tenant's application.

The *Residential Tenancy Act* specifies that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the Notice given is in the approved form.

All evidence and the testimony of the landlord is considered in this Decision.

Issue(s) to be Decided

The only issue remaining to be decided is:

- Have the landlords established that the Two Month Notice to End Tenancy for Landlord's Use of Property was given in accordance with the *Residential Tenancy Act*?

Background and Evidence

The landlord testified that this month-to-month tenancy began on March 1, 2016 and the tenant still resides in the rental unit. Rent is currently \$936.33 payable on the 1st day of each month. No security deposit or pet damage deposit was collected by the landlords. The rental unit is a manufactured home on the landlords' property, and the landlords reside in a house on the property.

The landlord further testified that on October 25, 2021 the landlord served the tenant with a Two Month Notice to End Tenancy for Landlord's Use of Property by placing it in the tenant's mailbox. A copy has been provided by both parties for this hearing, and it is dated October 25, 2021 and contains an effective date of vacancy of December 31, 2021. The reason for issuing it states: The rental unit will be occupied by the landlord or the landlord's close family member (parent, spouse or child; or the parent or child of that individual's spouse), specifying the child of the landlord or the landlord's spouse. The landlord testified that the landlords' son, aged 27 will be residing in the rental unit.

Analysis

I have reviewed the Two Month Notice to End Tenancy for Landlord's Use of Property and I find that it is in the approved form and contains information required by the *Act*. I also accept the undisputed testimony of the landlord that the landlords' son will be residing in the rental unit, which is permitted by law.

Having dismissed the tenant's application, and having found that the Notice is in the approved form, I grant an Order of Possession in favour of the landlords. Since the effective date of vacancy has passed, I grant the Order of Possession effective on 2 days notice to the tenant.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety without leave to reapply.

I hereby grant an Order of Possession in favour of the landlord effective on 2 days notice to the tenant.

This order is final and binding and may be enforced.

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: January 14, 2022

Residential Tenancy Branch