



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The participatory hearing was held, by teleconference, on April 21, 2022. The Tenant applied to cancel a 2-Month Notice to End Tenancy for Landlord's Use of the Property, pursuant to the *Residential Tenancy Act* (the "Act").

The Respondent/Landlord attended the hearing. The hearing was by telephone conference and began promptly, as scheduled, at 11:00 a.m. Pacific Time on April 21, 2022, as per the Notice of a Dispute Resolution Hearing provided to the Tenant. The line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the Respondent/Landlord who was ready to proceed. The Landlord testified that the Tenant continues to occupy the rental unit. The Landlord also explained that he issued the Notice because he intends to move into the rental unit, and he still plans to do so, once the Tenant moves out.

After the ten-minute waiting period, the Tenant's application was **dismissed, in full, without leave to reapply**.

With respect to an order of possession, Section 55 of the *Act* applies and states:

Order of possession for the landlord

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, **the director must grant to the landlord an order of possession of the rental unit if**

(a) **the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and**

(b) **the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.**

[My emphasis added]

Pursuant to section 55 of the *Act*, and having reviewed the Notice (provided into evidence), which I find complies with section 52 of the *Act* [*form and content of the Notice*], I grant the landlord an order of possession effective **two (2) days** after service on the Tenant. I also find accept the Landlord's undisputed testimony that he plans, in good faith, to occupy the rental unit, as laid out on the Notice.

Conclusion

The Tenants' application has been dismissed in full, without leave to reapply as the Tenants failed to attend the hearing.

The Landlord has been granted an order of possession effective two (2) days after service on the Tenants. This order may be enforced in 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: April 21, 2022

Residential Tenancy Branch