



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property (the "Two Month Notice") pursuant to section 49;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 9:45 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

### Issues

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began on July 1, 2019. The rental unit is the lower floor of a two-story residential house. The upper floor is occupied by another tenant.

The landlord served the tenant with the Two Month Notice on November 30, 2022. The Two Month Notice has an effective date of February 1, 2023.

The landlord's father H.K. represented the landlord in this hearing. H.K. testified that the his son who is the landlord will be occupying the rental unit to be closer to University. H.K. testified that the tenant has not vacated as per the effective date of the Two Month Notice and has also not paid this last month's rent.

Neither party submitted a copy of the Two Month Notice on file. The landlord was provided an opportunity to submit the Two Month Notice following the hearing and did so.

### Analysis

Section 55(1) of the *Act* states that if a tenant applies to dispute a landlord's notice to end tenancy and their Application for Dispute Resolution is dismissed or the landlord's notice is upheld the landlord must be granted an order of possession if the notice complies with all the requirements of Section 52 of the *Act*.

As the tenant failed to participate in this hearing, the tenant's application is dismissed in its entirety without leave to reapply. I am satisfied that the tenant received the Two Month Notice as the tenant filed an application to dispute it.

I accept the undisputed testimony of H.K. and find that his son intends to occupy the unit. I find that the Two Month Notice issued by the landlord complies with the requirements of Section 52 of the *Act*, accordingly, the landlord is granted 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 tenant 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: April 13, 2023

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Residential Tenancy Branch