



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-MT

Introduction

This hearing was scheduled to convene at 9:30 a.m. on August 25, 2023 concerning an application made by the tenants seeking an order cancelling a notice to end the tenancy for landlord's use of property; and for an order permitting more time than prescribed to dispute the Notice.

The landlord attended the hearing, gave affirmed testimony, and was accompanied by the landlord's son and Legal Counsel. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenants joined the call. Therefore, I dismiss the tenants' application without leave to reapply.

The *Residential Tenancy Act* states 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.

The landlord has provided a copy of a Two Month Notice to End Tenancy for Landlord's Use of Property, dated February 26, 2023 containing an effective date of vacancy of April 27, 2023. 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 the landlord's spouse), specifying the child of the landlord or the landlord's spouse. The landlord testified that it was served on February 26, 2023 by placing it in the mailbox of the rental unit. The landlord also testified that his son will be occupying the rental unit.

I am satisfied that the Two Month Notice to End Tenancy For Landlord's Use of Property is in the approved form and contains information required by the *Act*.

Therefore, having dismissed the tenants' application, I grant an order of possession in favour of the landlord. Since the effective date of vacancy, changed to the nearest date that complies with the law to April 30, 2023, has passed, I grant the order of possession effective on 2 days notice to the tenants. The order of possession must be served to the tenants, which may be filed for enforcement in the Supreme Court of British Columbia.

Conclusion

For the reasons set out above, the tenants' 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 tenants.

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: August 25, 2023

Residential Tenancy Branch