



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **OPL**

### 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.

The landlord attended. The landlord had opportunity to provide affirmed testimony, present evidence and make submissions. The hearing process was explained.

### *Service*

The landlord provided affirmed testimony that they served the tenant personally with the Notice of Hearing and Application for Dispute Resolution on July 18, 2021.

Further to the landlord's uncontradicted testimony, I find the landlord served the tenant with the with the required documents on July 18, 2021 pursuant to sections 89 and 90.

*Attendance of Tenant*

The tenant did not attend the hearing. I kept the teleconference line open from the scheduled time for the hearing for an additional 20 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.

Issue

Is the landlord entitled to the relief requested?

Background and Evidence

The landlord provided uncontradicted affirmed testimony as the tenant did not appear at the hearing.

The landlord submitted a copy of the lease and summarized the background of the tenancy between the landlord and the tenant:

INFORMATION	DETAILS
Type of tenancy	monthly
Date of beginning	June 1, 2019
Date of ending	ongoing
Monthly rent payable on 1 <sup>st</sup>	\$1,150.00
Security deposit	\$575.00
Pet deposit	none

Forwarding address provided	none
Date of landlord Application	June 28, 2021

The landlord testified there is no outstanding rent.

The landlord testified the landlord personally served the Two Month Notice on the tenant on April 30, 2021 thereby effecting service under sections 88 and 90 of the Act on April 30, 2021.

The landlord submitted a copy of the Two Month Notice as evidence which is in the standard RTB form. The Notice states the reason for issuance is the rental unit will be occupied by the landlord or the landlord's close family member, that is, parent, spouse or child, or the parent or child of that individual's spouse.

The landlord submitted a Proof of Service document in the RTB form in support of the testimony regarding service.

The landlord testified that her daughter JH intends to move into the unit.

The Notice provides the tenant had 15 days from the date of service to apply for Dispute Resolution, or the tenancy would end on the stated effective vacancy date of June 30, 2021.

The landlord testified the tenant did not apply to cancel the Notice.

The landlord testified that tenant remains in the unit.

The landlord requested an Order of Possession.

### Analysis

I find the form and content of the Two Month Notice complies with section 52 of the *Act*.

I accept the landlord's uncontradicted testimony that the landlord's child intends to occupy the unit in accordance with the reasons in the Notice and as permitted under the Act.

I accept the landlord's uncontradicted testimony and documentary evidence and find the tenant did not dispute the Notice within the time limit.

The tenant has not attended the arbitration. Pursuant to section 46(5), the tenant is conclusively presumed to have accepted the tenancy ends on the effective date of the Notice requiring the tenant to vacate the rental unit by June 30, 2021.

Based on the uncontradicted testimony and documentary evidence of the landlord, I grant the landlord an Order of Possession pursuant to sections 49 and 55.

### Conclusion

I grant the landlord an Order of Possession pursuant to sections 49 and 55. The Order must be served on the tenant. If the tenant fails to comply, the landlord may file the Order with the Courts of British Columbia to be enforced as an Order of that Court.

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 25, 2021

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Residential Tenancy Branch