



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNL FF

### Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. The participatory hearing was held, by teleconference, on February 9, 2023. The Tenant applied to cancel a 2 Month Notice to End Tenancy for Landlord's Use, 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 February 9, 2023, 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.

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

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. I note the Landlord explained that she still wants to move into the rental unit, as indicated on the 2 Month Notice, and she is waiting for the Tenant to vacate. This Order of Possession will be effective on February 28, 2023, as this is the date the Landlord requested.

### Conclusion

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

The Landlord is granted an order of possession effective **February 28, 2023**, at 1:00 p.m. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and 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: February 10, 2023

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Residential Tenancy Branch