



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPL, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord's agent. The tenant did not attend. At the outset of the hearing the landlord's agent testified that she had received an email from the tenant at 12:47 p.m. today stating the tenant would not be attending this call.

The landlord has provided documentary evidence showing the tenant was served with notice of this hearing via registered mail on October 8, 2010. I accept the tenant has been sufficiently served for the purposes of this hearing.

Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord submitted into evidence the following documents:

- A copy of a 2 Month Notice to End Tenancy for Landlord's Use of Property dated July 12, 2010 with an effective date of September 30, 2010, citing the rental unit will be occupied by the landlord or the landlord's spouse or a close family member of the landlord or the landlord's spouse;
- A copy of a Dispute Resolution decision dated September 9, 2010 dismissing the tenant's application to cancel the notice and order the tenant to vacate the property by September 30, 2010; and
- Email correspondence between September 16, 2010 and September 30, 2010 that clearly indicates the tenant has no intention of moving out in accordance with the landlord's notice to end the tenancy and the Dispute Resolution order of September 9, 2010.

Analysis

As per the previous Dispute Resolution decision dated September 9, 2010, I accept the 2 Month Notice to End Tenancy for Landlord's Use of Property to be in full force and effective.

As it is clear from the tenant's email correspondence to the landlord I accept that the tenant is now causing significant risk to the landlord's property by not accepting the end of the tenancy and therefore find the tenant must vacate the property immediately.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **immediately upon service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$50.00** comprised of the fee paid by the landlord for this application. This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) and 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 20, 2010.

Dispute Resolution Officer