



# 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 the landlord's application for dispute resolution, seeking an order of possession for the landlord's use of the property. Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

The landlord had served the tenant with a notice to end tenancy for landlord's use of property. At a prior hearing (File 771047), the tenant's application to cancel this notice to end tenancy, was heard. In a decision dated April 04, 2011, the Dispute Resolution Officer dismissed the tenant's application and upheld the notice to end tenancy. The tenancy was due to end at the end of April. The tenant did not move out and therefore on May 13, 2011, the landlord applied for an order of possession.

The hearing to address the landlord's application for an order of possession was convened on June 07, 2011. Due to circumstances beyond her control, the landlord did not attend the hearing and accordingly, her application was dismissed. She then applied for a review consideration and was granted a review hearing which was convened on this date – July 13, 2011.

### **Issues(s) to be Decided**

Is the landlord entitled to an order of possession?

**Background and Evidence**

The tenancy started on November 09, 2005. The monthly rent is \$700.00. On or about February 26, 2011, the landlord served the tenant with a two month notice to end tenancy. As stated above, the tenant disputed the notice without success. The Dispute Resolution Officer upheld the notice to end tenancy.

**Analysis**

Under the provisions of section 55(1), upon the application of a landlord, I must issue an order of possession when a notice to end tenancy is upheld. Accordingly, I so order. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

**Conclusion**

I grant the landlord an order of possession effective on or before 1:00 p.m. on July 31, 2011.

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: July 13, 2011.

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Residential Tenancy Branch