

## **DECISION**

Dispute Codes      OPL

### Introduction

This hearing dealt with the landlord's application pursuant to section 55 of the *Residential Tenancy Act* (the *Act*) for an Order of Possession for landlord use of the property.

The tenant did not attend this hearing, although I waited until 11:15 a.m. in order to enable the tenant to connect with this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that his realtor posted a 2 Month Notice to End Tenancy for Landlord Use of Property (the 2 Month Notice) on the tenant's door on June 9, 2011. The landlord testified that he sent a copy of his dispute resolution hearing package to the tenant by registered mail on July 6, 2011. He provided written evidence of the Canada Post Tracking Number to confirm this mailing and testified that the Canada Post Tracking System indicated that the registered mail was received by the tenant on July 13, 2011. I am satisfied that the landlord served these documents and his written evidence in accordance with the *Act*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The landlord said that this month-to-month tenancy commenced approximately 14 years ago. Monthly rent is set at \$375.00.

The landlord entered written evidence that he signed an agreement of sale on May 29, 2011. He provided oral and written testimony that the new owners intend to occupy the present rental property. Initially, the new owners wanted vacant possession as of the closing date for this sale, August 15, 2011. He said that the initial effective date of the 2 Month Notice was August 15, 2011. However, the landlord has revised this effective date to August 31, 2011, to coincide with the amended closing date and the new owner's anticipated move to the property on September 1, 2011.

The landlord said that he has recently received information from the tenant that she has found a new rental property and has plans to vacate the rental unit by August 31, 2011. However, to provide greater certainty, the landlord requested an Order of Possession effective on August 31, 2011.

Analysis

The tenant has not made application pursuant to section 49(8) of the *Act* within fifteen days of receiving the 2 Month Notice. In accordance with section 49(9) of the *Act*, the tenant's failure to take this action within fifteen days leads to the end of her tenancy on the revised effective date of her notice, August 31, 2011. Under these circumstances, I issue an Order of Possession to the landlord to take effect at 1:00 p.m. on August 31, 2011. The landlord will be given a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit by 1:00 p.m. on August 31, 2011, the landlord may enforce this Order in the Supreme Court of British Columbia.

Conclusion

The landlord is provided with a formal copy of an Order of Possession effective August 31, 2011. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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*.