



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on a 2 month Notice to End Tenancy given for landlord use.

Background and Evidence

The applicant testified that:

- The tenant was served with a Notice to End Tenancy for landlord use on February 20, 2012 with an end of tenancy date of April 1, 2012.
- To date the tenant has failed to vacate the rental unit, and therefore he is requesting an Order of Possession for April 30, 2012.

The respondent testified that:

- He did receive the Notice to End Tenancy for landlord use, however it had an incorrect effective date of April 1, 2012 and it should have been April 30, 2012.
- He has not filed a dispute of the notice.

Analysis

The tenant has admitted that he received a 2 month Notice to End Tenancy for landlord use on February 20, 2012, and also admits that he has not filed any dispute of the notice.

If a tenant receives a Notice to End Tenancy for landlord use, the tenant has 15 days in which to file a dispute of the notice, or the tenant is conclusively deemed to have accepted the end of the tenancy, and therefore, in this case, the tenant has accepted the end of this tenancy.

However the end of tenancy date that the landlord put on the Notice to End Tenancy is incorrect, because any 2 month Notice to End Tenancy served in the month of February 2012 has an effective end of tenancy date of April 30, 2012.

Therefore I am willing to issue an Order of Possession however it will be for the correct end of tenancy date of April 30, 2012.

Conclusion

I have issued an Order of Possession to the applicant for 1 p.m. April 30, 2012.

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: April 23, 2012.

Residential Tenancy Branch