



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      FF, OPL

### Introduction

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

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by personal service on April 10, 2012 however the respondent(s) did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

**Note: (respondent Charlene Dechant came on the line after the hearing was already concluded and the decision had been issued. The respondent was informed of the decision and stated that she would be vacating the unit forthwith.)**

Issue(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent and a request for recovery of the \$50.00 filing fee.

### Background and Evidence

The applicant testified that:

- This tenancy began on April 9, 2011 as a fixed term tenancy with an expiry date of April 9, 2012.
- Rent was payable on the 9th day of each month.
- On February 3, 2012 a 2 month Notice to End Tenancy for landlord use was served on the tenant with an end the tenancy date of April 9, 2012.
- The tenant has failed to comply with the Notice to End Tenancy and therefore they are requesting an Order of Possession and recovery of their filing fee.

### Analysis

It is my finding that the tenants were served with a valid two month Notice to End Tenancy on February 3, 2012.

The rental payment period for this tenancy went from the ninth of each month to the eighth of the following month.

Therefore since this notice was served on February 3, 2012 the end of tenancy date was April 9, 2012.

The tenant has failed to vacate the rental unit and therefore I allow the request for an Order of Possession.

I also order recovery of the filing fee.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenant, and I have issued an order for the tenant to pay \$50.00 to the landlords.

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 25, 2012.

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Residential Tenancy Branch