



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

### **Dispute Codes:**

OPL, MNR, MNSD, FF

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the landlord's Two Month Notice to End Tenancy for Landlord's Use dated February 4, 2012. The landlord was also seeking a monetary order for rent owed.

Both parties appeared and each gave affirmed testimony in turn.

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

The issue to be determined based on the testimony and the evidence is whether the tenancy can be ended for landlord's use and an Order of Possession issued based on the Two Month Notice to End Tenancy.

### **Background and Evidence**

The landlord testified that a previous hearing had been held on the tenant's application to cancel the Two Month Notice to End Tenancy for Landlord's Use and the tenant was not successful.

The landlord did not request an Order of Possession at the previous hearing when the tenant's application to cancel the Notice was dismissed and the Notice was upheld. Therefore, the landlord has now made an application seeking the Order of Possession..

The landlord testified that the tenant also owes \$1,075.00 in rental arrears.

### **Analysis**

I find that during the previous decision, the dispute resolution officer dismissed the tenant's application and the Two Month Notice to End Tenancy for Landlord's Use was upheld.

I find that *Section 77* of the *Act* states that, except as otherwise provided in the *Act*, a decision or an order of the director is final and binding on the parties. As the status of

the Two Month Notice to End Tenancy for Landlord's Use was officially determined to be valid at the previous hearing, I am bound by that decision and have no authority to determine otherwise. Accordingly, I find that the landlord is entitled to an Order of Possession based on the Notice, effective April 30, 2012.

With respect to the landlord's application seeking a monetary order for rent, I find that this issue is not related to the landlord's request for an Order of Possession for Landlord's Use.

Residential Tenancy Rules of Procedure, Rule 2.3 states that, if, in the course of the dispute resolution proceeding, the dispute resolution officer determines that it is appropriate to do so, the officer may dismiss unrelated disputes contained in a single application with or without leave to reapply. Accordingly I hereby dismiss this portion of the application with leave to reapply.

### **Conclusion**

I hereby issue an Order of Possession in favour of the landlord effective at 1:00 p.m. Monday, April 30, 2012. This order must be served on the Respondent and may be filed in the Supreme Court 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: April 24, 2012.

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Residential Tenancy Branch