



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

OPL, FF

### **Introduction**

This hearing was convened in response to an application by the landlord for an Order of Possession in relation to an undisputed Two Month Notice to End Tenancy for Landlord's Use of Property (the Notice) dated April 26, 2012 with an effective date (automatically adjusted) of June 30, 2012. The landlord further requests recovery of the filing fee. Both parties attended the hearing and participated with their testimony. The tenant does not dispute the landlord's Notice to End.

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

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The Notice to End was served on the tenant and the tenant did not file an application for Dispute Resolution within 15 days to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ends on the effective date of the notice – June 30, 2012. The landlord testified they filed the application as a course of due diligence to accommodate the sale of their home.

### **Analysis**

**Section 55** of the Act, in part, states as follows:

### **Order of possession for the landlord**

**55** (2) A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution:

- (a) a notice to end the tenancy has been given by the tenant;
- (b) a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired;

Based on the above, I find the landlord is entitled to an **Order of Possession**.

As the tenant did not dispute the Notice to End and acknowledges the tenancy is ending I decline to grant the landlord recovery of the filing fee for this application, and **I dismiss** this portion of the landlord's application.

### **Conclusion**

**I grant** an Order of Possession to the landlord **effective June 30, 2012**. The tenant must be served with this 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.

This Decision is final and binding on both parties.

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: June 04, 2012

---

Residential Tenancy Branch