



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL, FF

### Introduction

This hearing was convened as a result of the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") for an order for possession based upon a 2 Month Notice to End Tenancy for Landlord's Use of the Property (the "Notice").

The landlord's agent and the tenant appeared, the parties gave affirmed testimony and were provided the opportunity to present their relevant evidence orally and in documentary form, and make submissions to me.

Only the evidence and testimony relevant to the issues and findings in this matter are described in this Decision.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession for the rental unit?

### Background and Evidence

The tenant was issued a 2 Month Notice to End Tenancy for Landlord's Use of the Property on April 27, 2012, and subsequently filed an application for dispute resolution seeking to cancel the Notice.

The hearing on the tenant's application was held on June 11, 2012, and a Decision by another Dispute Resolution Officer ("DRO") was issued on June 11, 2012. The DRO in that Decision determined that the landlord issued the Notice in good faith, having found that the landlord fully intended to occupy the rental unit, and dismissed the tenant's application to cancel the Notice.

The DRO also found that the tenancy should end pursuant to the Notice, which listed an effective move-out date of June 30, 2012.

The parties agreed that the tenant has not yet vacated the rental unit. The tenant submitted he required more time to move out; however the landlord's agent stated that the landlord now had no place to live due to the tenant's failure to vacate the rental unit.

### Analysis

Based on the above testimony, evidence, and on a balance of probabilities, I find as follows:

Section 49 of the Act states that a landlord may end a tenancy by issuing the tenant a 2 Month Notice to End Tenancy for landlord's use. The landlord issued such Notice to the tenant and the Notice was upheld and determined to be valid and enforceable by a previous DRO on the tenant's application to cancel the Notice.

### Conclusion

I therefore find that the landlord is entitled to an order of possession, effective 2 days after service on the tenant.

The order of possession is enclosed with the landlord's Decision. This order is a legally binding, final order, and may be filed in the Supreme Court of British Columbia for enforcement should the tenant fail to comply with this order of possession.

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: July 04, 2012.

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Residential Tenancy Branch