



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPL, FF

### Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking an order of possession based on a two month Notice to End Tenancy for Landlord's use, and to recover the filing fee for the Application.

Only the Landlord appeared at the hearing. He gave affirmed testimony and was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

The Landlord testified he served the Tenants with the Notice of Hearing and Application in person on July 23, 2012. I find the Tenants have been duly served.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence 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?

### Background and Evidence

The Landlord testified he has sold the rental unit property and requires the Tenants to vacate. He testified he served the Tenants with a two month Notice to End Tenancy for Landlord's use of property in person on June 9, 2012, which indicates an effective end date for the tenancy of August 30, 2012 (the "Notice"). Under the Act, the effective date of the Notice automatically corrects to August 31, 2012.

In evidence the Landlord provided a copy of the Notice. One of the Tenants has signed the Notice and wrote that it was received on June 9, 2012.

There is no evidence the Tenants filed an Application to dispute the Notice.

The Landlord testified that the Tenants have had one month of free rent, as required when issuing this type of Notice.

### Analysis

Based on the above, the uncontradicted evidence and testimony, and on a balance of probabilities, I find that the Landlord is entitled to an order of possession.

By not filing an Application to dispute the Notice, the Tenants are conclusively presumed under the law to have accepted that the tenancy will end on the effective date, pursuant to section 49(9) of the Act.

Pursuant to section 55 of the Act, I grant and issue the Landlord an order of possession effective on the corrected date of **August 31, 2012, at 1:00 p.m.** This order must be served on the Tenants as soon as possible, and may be enforced through the Supreme Court of British Columbia.

Lastly, I order that the Landlord may deduct **\$50.00** from the security deposit to recover the filing fee for the Application.

### Conclusion

The Tenants are conclusively presumed to have accepted the end of the tenancy. The Landlord is granted an order of possession effective at **1:00 p.m. on August 31, 2012**, and may deduct **\$50.00** from the security deposit held to recover the filing fee for the Application.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: August 17, 2012.

---

Residential Tenancy Branch