



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This hearing was convened on an application made by the landlord on August 3, 2012 for an Order of Possession pursuant to a Notice to End Tenancy for landlord use served on June 1, 2012 to take effect on July 31, 2012. The landlord is now aware that to take effect on July 31, 2012, the Notice would need to have been served on or before May 31, 2012 and the end date is amended to August 31, 2012.

Despite having been served with the Notice of Hearing in person, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing which proceeded in her absence. The landlord advised that the tenant had been removed from the rental unit the day before by ambulance attendants with the assistance of police.

Issue(s) to be Decided

This matter requires a decision on whether the landlord is entitled to an Order of Possession as requested.

Background and Evidence

According to the landlord, this tenancy began 13 or 14 years ago. Rent is \$600 per month and the landlord holds a security deposit of \$275 paid at the beginning of the tenancy.

During the hearing, the landlord stated that he had served the Notice to End Tenancy as he needed the rental unit to provide housing for his daughter.

Analysis

Section 49(3) of the *Act* provides that a landlord may issue a two-month Notice to End Tenancy in circumstances in which “the landlord or a close family member of the landlord intends in good faith to occupy the rental unit.”

Section 49(8) of the *Act* provides that a tenant make may an application to contest a Notice to End Tenancy for landlord use within 15 days of receiving it. If the tenant does not make application to contest the notice, section 49(9) of the *Act* states that the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice and must vacate by that date.

In the absence of any evidence to the contrary, I find that the Notice to End Tenancy was issued in good faith to permit the landlord to provide accommodation for a close family member.

I further find that the tenant did not make application to contest the Notice to End Tenancy and that the tenancy ended on August 31, 2012. Therefore, I find that the landlord is entitled to an Order of Possession to take effect two days from service of it on the tenant. The landlord has been reminded of the need to refer to the regulations pertaining to the disposition of abandoned property.

Conclusion

The landlord’s copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia to take effect two days from service of it on the tenant.

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: September 04, 2012.

Residential Tenancy Branch