



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL FF

Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to a notice to end tenancy for landlord's use. The landlord and an agent for the tenant participated in the teleconference hearing.

The tenant did not submit any evidence for the hearing. In the hearing, the tenant did not raise any issues regarding service of the landlord's application or evidence. I have reviewed all testimony and other evidence. 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?
Is the landlord entitled to recovery of the filing fee?

Background and Evidence

On March 6, 2013, the landlord personally served the tenant with a notice to end tenancy for landlord's use. The notice indicates that the landlord's daughter intends to occupy the rental unit. The tenant did not dispute the notice to end tenancy. The effective date of the notice is May 31, 2013.

The tenant's agent stated that the landlord knew that the tenant was planning to move out of the rental unit by May 5, 2013. The landlord stated that the tenant had not given written notice of her intention to vacate early.

Analysis

The tenant was served with the notice to end tenancy and did not apply to dispute the notice. Pursuant to section 55 of the Act, the landlord is entitled to an order of possession effective May 31, 2013.

As the tenant did not dispute the notice and the landlord did not provide any evidence that the tenant did not intend to vacate by the effective date, I find that the landlord is not entitled to recovery of the filing fee for the cost of his application, and I dismiss that portion of the landlord's application.

Conclusion

I grant the landlord an order of possession effective May 31, 2013. The tenant must be served with the 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 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 19, 2013

Residential Tenancy Branch