



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNL, OPL, FF

### **Introduction**

This hearing was convened in response to cross applications by the tenant and landlord. The tenant applied late to cancel a *2 Month Notice to End Tenancy for Landlord's Use of Property* (the Notice) and requested more time to make this application. The landlord subsequently applied for an Order of Possession in respect to the same Notice and to recover the filing fee from the tenant. Both parties appeared at the hearing and had opportunity to be heard, provide testimony, and respond any of to the other party's submissions. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence they wished to present.

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

Is the landlord's Notice to end valid?

Should the Notice issued May 30, 2013 be cancelled?

Is the landlord entitled to an Order of Possession?

### **Background and Evidence**

The hearing had benefit of a copy of the Notice to End. At the outset of the hearing the tenant testified that despite their late application they now think differently in respect to the Notice of the landlord and are now accepting the Notice and vacating the rental unit on or before the effective date of the Notice - August 01, 2013; and are not opposed to the landlord's request for an Order of Possession. The landlord confirmed they sought an Order of Possession for August 01, 2013.

### **Analysis**

I find that the tenant is now effectively withdrawing their application as they do not oppose the landlord's Notice to End the tenancy. As a result, I find I do not need to deal with the tenant's request for more time to make their application. I find the landlord's Notice is valid and effective to end the tenancy. I find the landlord is therefore entitled to an **Order of Possession** as per their application.

The landlord has been successful in their application and is entitled to recover the filing fee of \$50.00 from the tenant

### **Conclusion**

**I grant** an Order of Possession to the landlord **effective August 01, 2013**. 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.

The tenant's application is **dismissed**, without leave to reapply.

The landlord may deduct **\$50** from the tenant's security deposit in satisfaction of the filing fee paid for their application.

**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: July 17, 2013



# Residential Tenancy Branch

RTB-136

**All decisions are binding and both landlord and tenant are required to comply.**

The RTB website ([www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)) has information about:

- How and when to enforce an order of possession:  
Fact Sheet RTB-103: *Landlord: Enforcing an Order of Possession*
- How and when to enforce a monetary order:  
Fact Sheet RTB-108: *Enforcing a Monetary Order*
- How and when to have a decision or order corrected:  
Fact Sheet RTB-111: *Correction of a Decision or Order*
- How and when to have a decision or order clarified:  
Fact Sheet RTB-141: *Clarification of a Decision or Order*
- How and when to apply for the review of a decision:  
Fact Sheet RTB-100: *Review Consideration of a Decision or Order*  
**(Please Note: Legislated deadlines apply)**

To personally speak with Residential Tenancy Branch (RTB) staff or listen to our 24 Hour Recorded Information Line, please call:

- Toll-free: 1-800-665-8779
- Lower Mainland: 604-660-1020
- Victoria: 250-387-1602

Contact any Service BC Centre or visit the RTB office nearest you. For current information on locations and office hours, visit the RTB web site at [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)