



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FF

Introduction

This is an application filed by the Landlord for an order of possession for Landlord's use of property and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend or submit any documentary evidence. The Landlord states that the Tenant was personally served with the notice of hearing package and the submitted documentary evidence on June 27, 2013. I accept the undisputed testimony of the Landlord and find that both parties have been properly served.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

This Tenancy began on November 1, 2008 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent was \$895.00 payable on the 1st of each month and a security deposit of \$400.00 on November 1, 2008.

The Landlord states that a 2 month notice to end tenancy for Landlord's use of property dated May 1, 2013 was served on the Tenant in person on May 1, 2013. The Landlord's daughter, K.D. stated in her direct testimony that she was present when the notice to end tenancy was personally given to her at the rental unit on May 1, 2013. The notice shows an effective date of June 30, 2013. The stated reason for cause is "The rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, or child) of the landlord or the landlord's spouse." The

Landlord states that he is unaware of any dispute resolution application filed by the Tenant for this tenancy.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant was personally served with the 2 month notice to end tenancy dated May 1, 2013. The Tenant did not file an application for dispute resolution within the allowed time frame and is conclusively presumed to have accepted that the tenancy is at an end.

The effective date of the notice is corrected to July 31, 2013 as the 2 month notice was served on May 1, 2013. The Landlord is granted an order of possession. This order must be served upon the Tenant. 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.

Having been successful in the application, the Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$50.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession for July 31, 2013.
The Landlord is granted a monetary order for \$50.00.

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 30, 2013

Residential Tenancy Branch