



# 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 for Dispute Resolution by the landlord for an Order of Possession based on a Two Month Notice to End Tenancy for Landlord's Use dated April 15, 2014 and effective June 30, 2014.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and were also permitted to present affirmed oral testimony and make submissions during the hearing. I have considered all of the relevant evidence that was properly served.

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

- Is the landlord entitled to an Order of Possession based on the Two Month Notice?

### **Background and Evidence**

The landlord testified that the tenancy is for a fixed term that expires on June 30, 2014 and rent is \$1,850.00 per month. A security deposit of \$900.00 and a pet damage deposit of \$900.00 are being held in trust for the tenant.

The landlord submitted into evidence a copy of the Two-Month Notice to End Tenancy, indicating that the landlord was ending the tenancy so that the landlord or a close family member could move in. The landlord is seeking an Order of Possession based on the Notice so that this can happen.

The tenant acknowledged that she did not file to dispute the Two Month Notice to End Tenancy for Landlord's Use and the tenant has accepted that the tenancy is ending.

### **Analysis**

Under section 49(3) of the Act under, "*Landlord's notice: landlord's use of property*", the Residential Tenancy Act states that landlord who is an individual may end a tenancy in

respect of a rental unit if 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 states that a tenant may dispute a notice under this section by making an application for dispute resolution within 15 days after the date the tenant receives the notice. The tenant confirmed that she did not file an application to dispute the Notice.

Section 49(9) of the Act provides that, if a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (8), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the rental unit by that date.

I find that the tenant was served with a Two Month Notice to End Tenancy for Landlord's Use by registered mail sent on April 15, 2014. I find that the Notice was in the proper form that and fully compliant with the Act. I find that the tenant then failed to dispute the Notice within the required 15 days.

For the reasons above, I find that the landlord is entitled to an Order of Possession.

I find that the landlord is not entitled to be compensated for the cost of the application.

I hereby issue an Order of Possession in favour of the landlord effective at 1:00 p.m. on June 30, 2014. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

### **Conclusion**

The landlord is successful in the application and is granted an Order of Possession.

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: June 26, 2014

