



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: OPL, FF

### Introduction

This hearing concerns the landlord's application for an order of possession for landlord's use of property / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

### Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began in October 2012. Subsequent to the start of tenancy, the current landlord purchased the property in July 2013. Monthly rent of \$750.00 is due and payable in advance on the first day of each month. The tenant testified that a security deposit was not collected.

Pursuant to section 49 of the Act which speaks to **Landlord's notice: landlord's use of property**, the landlord issued a 2 month notice to end tenancy dated April 25, 2014. The notice was personally served on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is June 30, 2014. The reason identified on the notice in support of its issuance is as follows:

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 tenant has not vacated the unit and neither has the tenant filed an application to dispute the notice.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Based on the documentary evidence and the affirmed testimony of the parties, I find that tenant was served with a 2 month notice to end tenancy for landlord's use of property dated April 25, 2014. The tenant still has possession of the unit, however, the tenant has not filed an application to dispute the notice within 15 days after receiving it. The tenant is therefore conclusively presumed under section 49(9) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As the landlord has succeeded with this application I find that the landlord has established entitlement to recovery of the **\$50.00** filing fee, and I hereby grant the landlord a **monetary order** to that effect.

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **August 31, 2014**. This order must be served on 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$50.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court 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: August 19, 2014

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Residential Tenancy Branch

