



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This matter dealt with an application by the Landlord for an Order of Possession.

The Landlord said she served the Tenant with the Application and Notice of Hearing (the “hearing package”) by personal delivery March 18, 2015. Based on the evidence of the Landlord, I find that the Tenants were served with the Landlord’s hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenants absence.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This tenancy started as a rent to own on October 15, 2014 and then converted to a tenancy agreement on December 12, 2014 as a month to month tenancy. Rent is \$1,100.00 per month payable in advance of the 1st day of each month. The Tenant paid a security deposit of \$550.00 and a pet deposit of \$550.00 in October, 2014.

The Landlord said she issued a 2 Month Notice to End Tenancy for Landlord’s Use of the Property dated February 20, 2015, because the rental unit had sold and the new purchasers are moving into the house. The effective vacancy date on the Notice is April 30, 2015.

The Landlord requested an Order of Possession effective April 30, 2015 to support the 2 Month Notice to End Tenancy dated February 20, 2015.

Analysis

Section 49 says (8) 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.

(9) 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.

The Tenants have not made an application to dispute the 2 Month Notice to End Tenancy for Landlord's Use of the Property; therefore the Tenants are conclusively presumed to have accepted the end of the tenancy effective April 30, 2015 at 1:00 p.m.

I grant the Landlord an Order of Possession effective April 30, 2015 at 1:00 p.m.

Conclusion

An Order of Possession effective April 30, 2015 at 1:00 p.m. has been issued to the Landlord. A copy of the Order must be served on the Tenants: the Order of Possession may be enforced in the Supreme Court of British Columbia.

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 22, 2015

Residential Tenancy Branch

