



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions. During the hearing the Landlord withdrew its claim for recovery of the filing fee.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The tenancy began in October 2010. Rent of \$1,600.00 is payable in advance on the first day of each month. No security deposit was collected from the Tenant. On March 27, 2015 the Landlord served the Tenant with a two month notice to end tenancy for landlord’s use of property (the “Notice”) by posting the Notice on the door. The effective date of the Notice is May 31, 2015. The Tenant has not made an application for dispute

resolution dispute the Notice. The Tenant has indicated a refusal to move-out of the unit by 1:00 p.m. on May 31, 2015 and the purchasers have been given possession of the unit for this date.

Analysis

Section 55 of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where a notice to end the tenancy has been given by the landlord, the tenant has not disputed the Notice by making an application for dispute resolution and the time for making that application has expired.

Based on the Landlord's evidence I find that the Tenant was given a valid Notice, deemed to have been received on March 30, 2015. The Tenant has not filed an application to dispute the Notice and the time for making such an application has expired. I find therefore that the Landlord is entitled to an Order of Possession.

Conclusion

I grant an Order of Possession to the Landlord **effective 1:00 p.m. on May 31, 2015.**

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: May 27, 2015

Residential Tenancy Branch

