



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNL

Introduction

On May 4, 2016, the Tenant submitted an Application for Dispute Resolution to cancel a 2 Month Notice to End Tenancy For Landlord's Use Of Property, and to cancel a 10 Day Notice To End Tenancy For Unpaid Rent or Utilities. The matter was set for a conference call hearing at 11:00 a.m. on this date.

The Landlord and Tenant both attended the conference call hearing. The Landlord and Tenant were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

Issue to be Decided

- Is the Landlord entitled to an order of possession for Landlord use of property?
- Is the Landlord entitled to an order of possession for cause?

Background and Evidence

The parties testified that the tenancy began between June to September, 2013, as a month to month tenancy. Current rent in the amount of \$1,535.00 is payable on the 7th of each month. The Tenant paid the Landlord a security deposit in the amount of \$750.00.

The Tenant testified that the Landlord served her a 2 Month Notice To End Tenancy For Landlord Use of Property (the Notice) dated March 7, 2016 on March 7, 2016.

The Notice states the Tenant must move out of the rental unit by May 7, 2016. The Notice informed the Tenant of the right to dispute the Notice within 15 days after receiving it. The Notice also informed the Tenant that if an application to dispute the Notice is not filed within 15 days, the Tenant is presumed to accept that the tenancy is ending and must move out of the rental unit on the date set out on page 1 of the Notice.

There is no evidence before me that that the Tenant made an application to dispute the Notice. The Tenant testified that she received the Notice on March 7, 2016, and that she did not know she had to dispute the Notice.

Section 66 of the Act does not permit an extension of the time limit to make an application for dispute resolution to dispute a notice to end a tenancy beyond the effective date of the Notice.

The Landlord seeks an order of possession effective immediately.

Analysis

Based on the evidence before me, the testimony of the parties, and on a balance of probabilities, I find that the Tenant did not apply to dispute the Notice, and is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on May 7, 2016, the effective date of the Notice. The Tenant's application to cancel the Notice is dismissed.

Under section 55 of the Act, when a Tenant's application to cancel a notice to end tenancy is dismissed and I am satisfied that the notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

I find that the 2 Month Notice to End Tenancy For Landlord's Use Of Property dated March 7, 2016, complies with the requirements for form and content.

The Landlord asked that the Order of Possession be dated effective immediately. I find that the Landlord is entitled to an order of possession, pursuant to section 55 of the Act, effective two days after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court. The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

As the tenancy has ended there is no need to consider the 10 Day Notice to End tenancy for Unpaid Rent or utilities dated May 5, 2016.

Conclusion

The Tenant did not file to dispute the 2 Month Notice To End Tenancy For Landlord's Use Of Property dated March 7, 2016. The Tenant is presumed under the law to have accepted that the tenancy ended on May 7, 2016, the effective date of the Notice.

The Landlord is granted an order of possession effective two days after service on the Tenant.

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 07, 2016

Residential Tenancy Branch