



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 by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a notice to end tenancy for landlord's use of property. Both parties attended the hearing and were given full opportunity to present evidence and make submissions

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The parties agreed to the following:

The tenancy started in November 2012. The monthly rent is \$2,300.00 due on the first of each month. Prior to moving in the tenant paid a security deposit of \$1,000.00.

The landlord testified that on April 14, 2016, the landlord served the tenant with a notice to end tenancy for landlord's use of property to be effective on June 30, 2016. The tenant did not dispute the notice.

On May 17, 2016, the landlord served the tenant with a one month notice to end tenancy for cause and then on May 27, 2016, the landlord served the tenant with a ten day notice for non-payment of rent. The tenant did not dispute the notices.

The tenant agreed that she has received a rent free stay in the rental unit for the month of June 2016 as compensation pursuant to the notice to end tenancy for landlord's use of property. The tenant stated that she intends to move out but given the current real estate market, she is not having much success finding a suitable rental unit.

Analysis

Based on the sworn testimony and documentary evidence of both parties, I find that the tenant received the notice to end tenancy, on April 14, 2016 and did not make application, pursuant to Section 49 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective by before 1:00 pm on June 30, 2016. The Order may be filed in the Supreme Court for enforcement.

The landlord may retain \$100.00 from the security deposit towards the recovery of the filing fee.

Conclusion

I grant the landlord an order of possession effective by 1:00 pm on June 30, 2016.

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 17, 2016

Residential Tenancy Branch