



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FF

Introduction

This was an application by a landlord for an Order for Possession pursuant to a two month Notice to End the Tenancy dated April 26, 2016 with an effective date of July 1, 2016. Only the landlord and his counsel attended the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order for possession?

Service Issues

The landlord testified that he handed the male tenant AM a copy of the Notice to End the Tenancy on April 26, 2016. He handed the female tenant JM a copy of the application for dispute resolution on May 19, 2016. The male tenant in a subsequent text message to the landlord acknowledged the application. I find that both tenants have been sufficiently served with the Notice and Application in accordance with section 71 (2) (b) of the Act.

Background and Evidence

The landlord is relying upon section 49 (5) (c) (i) of the Act. The landlord testified that he sold the house containing the unit with a closing on July 4, 2016 and the purchaser requested him in writing to give the tenants the notice as the purchaser intended to reside in the unit. He produced a copy of the letter from the purchaser dated April 25, 2016.

The landlord testified that the tenant JM indicated to him that she did not plan to move out until the end of July 2016. The landlord produced the tenancy agreement and

testified that the tenancy began on August 1, 2015 and was a for affixed term ending on June 30th 2016. The agreement permitted the tenancy to continue on a month to month basis thereafter. The tenants paid a security deposit of \$ 1,100.00 and pet deposit of \$ 400.00 at the beginning of the tenancy. The landlord asked for an Order for Possession effective on July 1, 2016 and recovery of his filing fee of \$ 100.00.

Analysis:

The tenants have not applied for arbitration to dispute the Notice and are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an order for possession effective July 1, 2016 after service on the tenants. I permit the landlord to retain the sum of \$ 100.00 from the security deposit representing the filing fee herein.

Conclusion:

I have granted the landlord an Order for Possession effective on July 1, 2016. This order may be filed in the Supreme Court and enforced as an Order of that Court. I order that the landlord retain \$ 100.00 representing the filing fee herein from the security deposit. This Decision and Order must be served on the tenants as soon as possible.

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 21, 2016

Residential Tenancy Branch