



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPL MNDC OLC O

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* for Orders as follows:

Landlord:

- an order of possession for landlord's use of property pursuant to section 55;

Tenant:

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- other, unspecified relief

The hearing was conducted by conference call. All named parties attended the hearing.

Preliminary Issue – Scope of Application

Residential Tenancy Branch Rules of Procedure, Rule 2.3 states that, if, in the course of the dispute resolution proceeding, the Arbitrator determines that it is appropriate to do so, the Arbitrator may sever or dismiss the unrelated disputes contained in a single application with or without leave to apply.

As the tenants' application is not related to the issue of whether or not the landlord is entitled to an order of possession, I am exercising my discretion to dismiss the tenant's application in its entirety with leave to reapply. Leave to reapply is not an extension of any applicable time limit.

Issues

Is the landlord entitled to an order of possession for landlord's use of property?

Background and Evidence

The rental unit is a three bedroom rancher. The tenancy began on September 1, 2015 with a monthly rent of \$1200.00 payable on the 1st day of each month.

The landlord testified that on April 26, 2016 the tenant was personally served with the 2 Month Notice to End Tenancy for Landlord's Use of Property. A Proof of Service form of the Notice to End Tenancy was provided on file.

The tenant acknowledged receipt of the 2 Month Notice to End Tenancy.

Analysis

I am satisfied that the tenant was personally served with the 2 Month Notice to End Tenancy for Landlord's Use of Property on April 26, 2016 pursuant to section 88 of the Act.

Pursuant to section 49 of the Act, the tenant may make a dispute application within fifteen days of receiving the 2 Month Notice. If, as in the present case, the tenant does not make an application for dispute within fifteen days, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice, June 30, 2016.

Therefore, I find that the landlord is entitled to an Order of Possession pursuant to section 55 of the Act.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of 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: August 12, 2016

Residential Tenancy Branch

