



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, CNL, FF

Introduction

This hearing dealt with applications from both the landlord and the tenants under the *Residential Tenancy Act* (the *Act*). The landlord applied for:

- an order of possession for landlord's use pursuant to section 55;
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenant applied for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- cancellation of the landlord's 2 Month Notice to End Tenancy Because the Tenant Does not Qualify for Subsidized Rental Unit pursuant to section 49.1;
- authorization to recover her filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing via conference call and provided undisputed affirmed testimony. Both parties acknowledged receiving the notice of hearing package and the submitted documentary evidence filed by the other party. I accept the undisputed affirmed testimony of both parties and find that both parties have been properly served as per sections 88 and 89 of the *Act*.

At the outset, the tenant clarified that her application was being withdrawn due to a miscommunication regarding information that she received from the Administrative staff at the Residential Tenancy Branch Office. The tenant clarified that she was not disputing the landlord's 2 Month Notice and would be complying with the effective end of tenancy date by vacating the rental unit on August 31, 2016. As such, no further action is required for the tenant's application.

As the tenant is not disputing the landlord's 2 Month Notice dated June 29, 2016 which sets out that it was being given because:

The rental unit will be occupied by the landlord or the landlord's close family member (parent, spouse or child; or the parent or child of that individual's spouse).

The 2 Month Notice also sets out an effective end of tenancy date of August 31, 2016.

As the tenant has provided direct testimony that she is no longer disputing the landlord's 2 Month Notice, I find that the landlord is entitled to an order of possession.

The landlord having been successful in his application is entitled to recovery of the \$100.00 filing fee.

The landlord is granted an order of possession effective on August 31, 2016. The order must be served upon the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is also granted a monetary order for \$100.00 for recovery of the filing fee. The order must be served upon the tenant. Should the tenant fail to comply with the order, the order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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 25, 2016

Residential Tenancy Branch