



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 for an order of possession based on a 2 Month Notice to End Tenancy dated August 23, 2016. The landlord also requested recovery of the \$100 filing fee from the tenant. Both parties attended the hearing and had an opportunity to be heard.

Issue(s) to be Decided

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began in September 2011. The current rent is \$1955 per month. On August 23, 2016 the landlord served the tenant with a 2 Month Notice to End Tenancy for Landlord's Use. The tenant did not dispute the Notice. The Notice had an effective date of October 31, 2016. The tenant has not yet vacated the rental unit.

Analysis

The landlord has requested an order of possession based on the undisputed Notice of August 23, 2016. In this regard, Section 48 of the Act says

48 (8) A tenant may dispute a notice under this section by making an application for dispute resolution within 15 days after the date the tenant receives the notice.

(9) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (8), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the rental unit by that date.

In other words, if a tenant does not dispute a 2 Month Notice within 15 days of receipt, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice and must move out by that date.

In the present case, the tenant did not dispute the Notice and has still not moved out of the rental unit. Accordingly, I find that the landlord is entitled to an order of possession effective two days from the date of service.

Conclusion

Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession 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.

I further order that the tenant pay to the landlord the sum of \$100.00 representing the fee paid by the landlord for this application.

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: November 01, 2016

Residential Tenancy Branch