



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL FF

### Introduction

This hearing dealt with the landlord's application for an order of possession. The landlord attended the teleconference hearing but the tenant did not.

The landlord stated that they personally served the tenant with the application for dispute resolution and notice of hearing on October 4, 2016. I accepted the landlord's evidence that the tenant was served with notice of the hearing on October 4, 2016, and I proceeded with the hearing in the absence of the tenant.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

On September 15, 2016 the landlord personally served the tenant with a notice to end tenancy for landlord's use. The notice indicates that the reason for ending the tenancy is that the landlord or a close family member intends to occupy the rental unit. The effective date of the notice is November 30, 2016.

The landlord submitted a letter from the tenant dated October 28, 2016, in which the tenant stated that regarding the two month notice that she received on September 15, 2016, she wanted to withhold rent for November 2016 instead of being paid compensation.

The tenant did not apply to dispute the notice.

Analysis

I accept the landlord's evidence and I am satisfied that the tenant was served with the notice to end tenancy. The tenant did not apply to dispute the notice, and she is therefore conclusively presumed to have accepted that the tenancy will end on the effective date. Accordingly, I grant the landlord an order of possession effective November 30, 2016.

As the landlord's application was successful, they are entitled to recovery of the \$100.00 filing fee for the cost of their application.

Conclusion

The landlord's application is successful.

I grant the landlord an order of possession effective November 30, 2016. The tenant must be served with the order of possession. 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.

I grant the landlord an order under section 67 for the balance due of \$100.00. This order may be filed in the Small Claims 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: November 23, 2016

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Residential Tenancy Branch