



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OP

### Introduction

The Application for Dispute Resolution filed by the landlord seeks an Order for Possession based on a 2 month Notice to End Tenancy for landlord use.

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondents although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 2 month Notice to End Tenancy was personally served on the Tenants on July 30, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on each of the Tenants by mailing, by registered mail to where the Tenants reside on November 10, 2016. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?

### Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on December 1, 2012. The present rent is \$1000 per month payable on the in advance on the first day of each month. The tenant paid a security deposit of \$470 at the start of the tenancy.

The tenant(s) failed to pay the rent for the months of October (\$300 is owed), November (\$1090 is owed) and December (\$1090 is owed). The tenants are entitled to the equivalent of one month free rent as they have been served with a 2 month Notice.

The tenant(s) have remained in the rental unit.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. In addition the tenants have failed to pay the rent. Accordingly, I granted the landlord an Order for Possession on 5 days notice..

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: December 22, 2016

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Residential Tenancy Branch