



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL, FF

### Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession pursuant to a 2 month Notice to End Tenancy dated March 20, 2017 and setting the end of tenancy for May 31, 2017..
- b. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent 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 served on the Tenant by mailing, by registered mail to where the tenant resides on March 20, 2017. In addition it was taped to his door a couple days later. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenant by mailing, by registered mail to where the Tenant resides on May 4, 2017. In addition it was taped to the door of the rental unit on May 7, 2017. 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?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence:

The tenant and the previous owner entered into a tenancy agreement in 2010. The present rent is \$650 per month payable in advance on the first day of each month.

The applicants purchased the property and took possession on April 10, 2017. They asked the previous owner in writing to serve a 2 month Notice to End Tenancy on the Tenant on the basis that "all conditions for sale of the rental unit have been satisfied and the purchaser has asked the landlord, in writing to give this Notice because the purchaser or close family member intends in good faith to occupy the rental unit. The applicant testified that he intends for his father to move into the rental unit.

The applicant further testified that he has attempted to talk to the respondent but the respondent has yelled and screamed at him. The rent for May and June has not been paid.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. A two month Notice to End Tenancy was served on the Tenant on March 20, 2017 setting the end of tenancy for May 31, 2017. 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. Accordingly, I granted the landlord an Order for Possession on 2 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.

The landlord stated he was not interested in recovering the cost of the filing fee. As a result I dismissed the claim to recover the cost of the filing fee.

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: June 12, 2017

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Residential Tenancy Branch