



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

The Application for Dispute Resolution filed by the landlord seeks an Order of Possession on the basis of a 2 month Notice to End Tenancy dated July 22, 2017 and setting the end of tenancy for September 30, 2017.

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 posting on July 22, 2017. 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 August 12, 2017. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issue to be decided is 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 September 1, 2014. The present rent is \$1333 per month payable on the first day of each month. The tenant paid a security deposit of \$625 at the start of the tenancy.

The Notice to End Tenancy relies on section 49 of the Residential Tenancy Act which includes the following grounds.

- All of the 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 a close family member intends in good faith to occupy the rental unit

The landlord testified he has sold the property and the purchaser has given him Notice in writing that he or a close family member will be moving in. The transaction is set to close at the end of September with the new purchaser taking possession on October 2, 2017.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The tenants were served with a 2 month Notice Tenancy on July 22, 2017 by posting. It is deemed received 3 days later. 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 effective September 30, 2017. .

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 final and binding on both parties.

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: September 19, 2017

Residential Tenancy Branch