



# 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 for Dispute Resolution by the landlord filed under the Residential Tenancy Act, (the “Act”), for an order of possession, based on a Two Month Notice to End Tenancy for Landlord’s Use of Property, (the “Notice”) issued on March 13, 2020 and to recover the cost of the filing fee.

The landlord attended the hearing. As the tenants did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondents must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified the Application for Dispute Resolution and Notice of Hearing were served in person on April 10, 2020. I find that the tenants have been duly served in accordance with the Act.

The landlord appeared gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

### Issues to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

Based on the testimony of the landlord, I find that the tenants were served with the Notice, by personal service on March 13, 2010.

The Notice explains the tenants had 15 days to dispute the Notice. The Notice further explains if the Notice is not disputed within the 15 days that the tenants are presumed to accept the Notice and must move out of the rental unit by the date specified in the Notice, which the date specified is May 31, 2020.

The landlord testified that they had to apply for the order of possession because the tenants informed them that they would not be moving.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

I accept the evidence of the landlord that the Notice was completed in accordance with Part 4 of the Act - How to End a Tenancy, pursuant to section 49 of the Act. A copy of the Notice was filed in evidence for my review and consideration.

I find the Notice was completed in the approved form and the contents meets the statutory requirements under section 52 the Act.

Further, I accept the evidence of the landlord that the tenants were served with the Notice in compliance with the service provisions under section 88 of the Act, which the tenant acknowledged service of the Notice in their application.

I am satisfied based on the landlord's evidence that the landlord has met the statutory requirements under the Act to end a tenancy.

The tenants did not apply to dispute the Notice and therefore conclusively presumed under section 49(9) of the Act to have accepted that the tenancy ended on the effective date of the Notice. I find the tenancy legally ends on May 31, 2020.

I find that the landlord is entitled to an order of possession, pursuant to section 55 of the Act, effective **May 31, 2020**. This order may be filed in the Supreme Court and enforced as an order of that Court. The **tenants are cautioned** that costs of such enforcement are recoverable from the tenant.

As the evidence before me was the landlord was informed by the tenants that they would not be moving and is contrary to the Act, I find the landlord is entitled to recover

the cost of the filing fee. I authorize the landlord to keep \$100.00 from the tenants security deposit in full satisfaction of this award.

Conclusion

The tenants failed to dispute the Notice. The tenants are presumed under the law to have accepted that the tenancy ended on the effective date of the notice to end tenancy.

The landlord is granted an order of possession and may keep a portion of the security deposit in full satisfaction of the claim.

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: May 28, 2020

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Residential Tenancy Branch