



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

### Dispute Codes:

**OPL**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of Possession for Landlord's use of Property.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process.

### Issue(s) to be Decided

Is the landlord entitled to an Order of possession for Landlord's Use of Property as a result of the sale of the rental unit?

### Background and Evidence

The tenant confirmed receipt of a 2 Month Notice ending Tenancy for Landlord's Use of the Property on February 23, 2011. The tenant did not dispute this Notice, which was issued as the result of a sale of the property to an individual who wishes to occupy the home.

A copy of the Notice was supplied as evidence; the effective date was April 24, 2011.

The tenant's rent is due on the first day of each month.

The tenant did not dispute the landlord's submission that the home had been sold.

### Analysis

Section 53 of the Act stipulates that if the effective date stated in a Notice is earlier than the earliest date permitted under the legislation, the effective date is deemed to be the earliest date that complies with the legislation. Therefore, I find that the effective date of this Notice to End Tenancy was April 30, 2011.

In the absence of evidence to the contrary, I find that the tenant was served with a Notice to End Tenancy that requires the tenant to vacate the rental unit on April 30, 2011, pursuant to section 49(5) of the Act.

As the tenant did not dispute the Notice, I find, pursuant to section 55(3) of the Act, that the landlord is entitled to an Order of possession, effective April, 30, 2011 at 1 p.m.

Conclusion

The landlord has been granted an Order of Possession that is effective at 1 p.m. on April 30, 2011. This Order may be served on the tenant, filed with the Supreme Court of British Columbia 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: April 11, 2011.

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Residential Tenancy Branch