



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPL, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and to recover the filing fee for this proceeding.

The Landlord said she served one of the Tenants (J.A.) with the Application and Notice of Hearing (the "hearing packages") in person on June 17, 2011. Based on the evidence of the Landlord, I find that the Tenants were served with the Landlord's hearing packages as required by s. 89 of the Act and the hearing proceeded in the Tenants' absence.

### Issue(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

### Background and Evidence

This tenancy started on October 1, 2009 as a one year fixed term tenancy and continued on the expiry of it as a month-to-month tenancy. Rent is \$1,445.00 per month payable in advance on the 1<sup>st</sup> day of each month.

The Landlord said on May 22, 2011 she served the Tenants with a 2 Month Notice to End Tenancy for Landlord's Use of Property dated May 21, 2011 by registered mail. The Landlord said according to the Canada Post online tracking system, the Tenants received this document on May 25, 2011.

### Analysis

Section 49(8) of the Act says that if a tenant who receives a 2 Month Notice wishes to dispute it, they must apply for dispute resolution to cancel it within 15 days of receipt. If a tenant does not dispute the Notice by filing an application for dispute resolution, then pursuant to s. 49(9) of the Act, the tenant is conclusively presumed to have accepted that the tenancy will end on the effective date of the Notice and they must vacate the rental unit at that time.

In the absence of any evidence from the Tenants to the contrary, I find that on May 25, 2011 they received a 2 Month Notice to End Tenancy for Landlord's Use of Property dated May 21, 2011. I also find that the Tenants have not disputed this Notice by filing an application for dispute resolution. Consequently, I find pursuant to s. 55(2)(b) of the Act that the Landlord is entitled to an Order of Possession to take effect on July 31, 2011.

As the Landlord has been successful in this matter, I also find pursuant to s. 72(1) of the Act that she is entitled to recover from the Tenants the \$50.00 filing fee she paid for this proceeding.

### Conclusion

An Order of Possession to take effect on July 31, 2011 and a Monetary Order in the amount of \$50.00 have been issued to the Landlord and a copy of them must be served on the Tenants. The Order of Possession may be enforced in the Supreme Court of British Columbia and the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

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: July 05, 2011.

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Residential Tenancy Branch