



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding James Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL

Introduction

This hearing dealt with the landlord's application pursuant to section 55 of the *Residential Tenancy Act* (the *Act*) for an Order of Possession for landlord's use of the property.

The tenants did not attend this hearing, although I waited until 1:54 p.m. in order to enable them to connect with this teleconference hearing scheduled for 1:30 p.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The female landlord (the landlord) testified that she placed the 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) in a prominent location at the tenant's residence where the tenants would find the Notice on July 25, 2013. She testified that she had spoken to the tenants a number of times since then and that they had confirmed that they had received the 2 Month Notice. She also testified that she had received an email from the tenants confirming that they intended to vacate the rental unit by September 30, 2013, the date cited in the landlord's 2 Month Notice. The landlord testified that she sent both tenants copies of the landlord's dispute resolution hearing package by registered mail on August 14, 2013. She provided copies of the Canada Post Tracking Numbers and Customer Receipts to confirm these mailings. I am satisfied that the tenants have been deemed served with the above documents and notices.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for landlord's use of the property?

Background and Evidence

This one-year fixed term tenancy began on June 1, 2012. When the initial term expired, the tenancy continued as a periodic tenancy. Monthly rent is set at \$1,095.00, payable in advance on the first of each month.

As noted above, the landlord testified that she expects the tenants to vacate the rental unit as per their email by September 30, 2013. In the event that this does not occur,

she requested the issuance of an Order of Possession based on the tenant's failure to file an application to cancel the 2 Month Notice. She provided a copy of the 2 Month Notice, which was properly completed and which required vacant possession of the rental unit by September 30, 2013.

Analysis

The tenants have not made application pursuant to section 49(8) of the *Act* within fifteen days of receiving the 2 Month Notice. In accordance with section 49(9) of the *Act*, the tenants' failure to take this action within fifteen days leads to the end of their tenancy by September 30, 2013, the effective date noted on the 2 Month Notice. I find that the landlord is entitled to an Order of Possession to take effect by 1:00 p.m. on September 30, 2013. The landlord will be given a formal Order of Possession which must be served on the tenant(s).

Conclusion

The landlord is provided with a formal copy of an Order of Possession effective by 1:00 p.m. on September 30, 2013. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme 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: September 19, 2013

Residential Tenancy Branch

