



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession. Two agents for the landlord and the tenant participated in the teleconference hearing.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an order of possession, and if so for what date?

Background and Evidence

One of the landlord's agents stated that he personally served the notice to end tenancy on the tenant's husband on February 2, 2009. The other agent for the landlord stated that he witnessed this personal service of the notice. The landlord provided documentary evidence that the hearing package was sent by registered mail to the tenant on February 17, 2008, but the tenant did not pick up the registered mail and the package was returned to the landlord. In the hearing, the landlord stated that he would be willing to have the date of the order of possession set for April 30, 2009.

The tenant stated that she was not served with the notice to end tenancy, and was not aware of it until she received notice of the hearing on March 26, 2009. The tenant stated that she would have filed to dispute the notice but she did not do so even after she received the hearing package.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for cause. The tenant did not file for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession, effective April 30, 2009.

The landlord is also entitled to recovery of the \$50 filing fee for the cost of the application.

Conclusion

I grant the landlord an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Dated April 3, 2009.