

# Dispute Resolution Services

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

## **DECISION AND REASONS**

### **Dispute Codes:**

*OPE.*

### **Introduction:**

This hearing dealt with an application by the Landlord pursuant to section 55 of the *Residential Tenancy Act*, for an order of possession. The tenant's employment with the landlord had ended effective March 31, 2009 and the landlord required the rental unit for the use of the new employee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

### **Issues to be decided:**

Is the landlord entitled to an order of possession?

### **Background and Evidence:**

The landlord testified that the tenancy started on January 01, 2009. The tenant was employed by the landlord as a resident caretaker. On February 27, 2009 the landlord served the tenant with a notice to end employment and tenancy effective March 31, 2009.

The landlord stated in his application for dispute resolution on March 26, 2009, that the tenant had indicated to the landlord that he had no intention of moving out on March 31, 2009. The landlord stated that a new caretaker has been hired and is waiting to occupy the rental unit. The landlord is applying for an order of possession effective two days after service on the tenant.

The tenant stated that he has suffered financial difficulties as a result of the termination of his employment and was actively looking for accommodation since then. The tenant

stated that he has found a place for June 01, 2009 and intends to move out earlier if possible.

**Analysis:**

Based on the sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for end of employment, on March 31, 2009 and did not make application, pursuant to Section 48 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

**Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant.

Dated May 21, 2009.

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Dispute Resolution Officer