



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPC, OPB

Introduction

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on September 16, 2009 but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for an Order of Possession.

Background and Evidence

The applicant testified that:

- On July 23, 2009 the respondent was personally served with a 1 month Notice to End Tenancy for cause.
- The respondent has not complied with that notice and to date has filed no dispute of that notice.

The applicant is therefore requesting that an Order of Possession be issued.



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Analysis

When a tenant is served a one month Notice to End Tenancy the tenant has 10 days in which to file a dispute of that notice and if a tenant fails to do so the tenant is conclusively presumed to have accepted the end of the tenancy.

Therefore the tenant should have vacated the rental unit on August the 31st 2009 and since she did not the landlord does have the right to an Order of Possession.

Conclusion

I have issued an Order of Possession for 12:00 noon October 31, 2009

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: October 28, 2009.

Dispute Resolution Officer