



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPT, FF, O

Introduction

Having heard all the testimony of the applicant, under affirmation, and in the absence of any submissions from the respondent, although having been notified of the right to make such submissions (the Notice of Hearing and the Arbitration papers were served on the respondent by registered mail that was mailed on December 14, 2009 and therefore is deemed served 5 days later even if the respondent refuses to accept it.) I have determined:

Issues(s) to be Decided

The end of tenancy date.

Background and Evidence

The applicant testified that:

- The landlord served him a section 49, two month, Notice to End Tenancy stating that the tenancy would end on January 31, 2010, however the Notice to End Tenancy was not served on the tenant until December 1 2009.

The applicant is therefore requesting that the end of tenancy date be amended to February 28, 2010 to comply with the notice requirements of the Residential Tenancy Act.

Analysis

It is my finding that the tenant is correct that this tenancy will end on February 28, 2010, because any section 49 notice served in the month of December 2009 is valid for the end of February 2010.



Dispute Resolution Services

Page: 2

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Conclusion

I hereby order that this tenancy continues until February 28th 2010, and I further order that the respondent bear the cost of the filing fee that was paid for this hearing.

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: January 21, 2010.

Dispute Resolution Officer