

DECISION

Dispute Codes OPC, O

Introduction

Some 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 March 3, 2010, 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 possession based on a section 47, 1 month Notice to End Tenancy for cause.

Background and Evidence

On January 31, 2010 the landlord served the tenant with a section 47, 1 month Notice to End Tenancy. The respondent has filed no dispute of that notice.

The applicant testified that the tenant has failed to vacate pursuant to that notice and to date the landlord has only accepted money for use in occupancy only and no money has been collected for the month of April 2010.

Applicant is therefore requesting an Order of Possession be issued for as soon as possible.

Analysis

Section 47(5) of the Residential Tenancy Act states:

(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the rental unit by that date.

Therefore since the tenant has not made any application just dispute this notice, the tenant is conclusively presumed to accepted that the tenancy ends, and I will therefore issue an order possession to the landlord.

Conclusion

I have issued an order possession to the landlord effective two days after service on the respondent.

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: April 15, 2010.

Dispute Resolution Officer