

DECISION

Dispute Codes OPL, FF

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties .

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for an Order of Possession, and a request that the respondents bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution.

Background and Evidence

On January 28, 2010 the landlords served a section 49, 2 month Notice to End Tenancy for landlord use on the respondent's, which ended the tenancy on March 30, 2010.

The applicants testified that:

- The tenants did not file any dispute of the Notice to End Tenancy.
- The tenants have failed to comply with the Notice to End Tenancy and did not vacate at the end of the tenancy.
- The tenants informed the landlords that they would not vacate on the date required.

The landlords are therefore asking for an Order of Possession for as soon as possible as this tenancy ended on March 30, 2010.

The respondent testified that:

- It's impossible for them to be out as quickly as the landlord wanted and therefore it is their intention to vacate on May 31, 2010.
- They have not filed any dispute of the Notice to End Tenancy.

Analysis

The landlord served the tenants with a valid, Section 49, 2 month Notice to End Tenancy, which ended the tenancy on March 31, 2010.

The tenants did not vacate at the end of the tenancy and did not file a dispute of the Notice to End Tenancy.

Sections 49(8) & 49(9) of the Residential Tenancy Act state:

(8) A tenant may dispute a notice under this section by making an application for dispute resolution within 15 days after the date the tenant receives the notice.

(9) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (8), 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 tenants made no application for dispute resolution and the 15 day period is well past, the landlords to have the right to an Order of Possession.

Conclusion

I have issued an Order of Possession to the landlords effective two days after service on the respondent's. I further ordered the respondents bear the \$50.00 cost of the filing fee that was paid for this application for dispute resolution.

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 20, 2010.

Dispute Resolution Officer