

DECISION

Dispute Codes OPC, OPB, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession and to recover the filing fee for the Application.

Although served with the Application for Dispute Resolution and Notice of Hearing by posting on the door on April 6, 2010, the Tenant did not appear.

Two Agents for the Landlord appeared, gave affirmed testimony and were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

Based on the affirmed testimony of the Agents, I find that the Tenant was served with a one month Notice to End Tenancy by registered mail. The Notice was mailed on March 5, 2010, and under the Act is deemed served five days later. I note that refusal or neglect to accept registered mail is not a ground for review under the Act.

The Notice requires the Tenant to vacate the rental unit on or before April 30, 2010.

The Notice informed the Tenant that he had ten days to dispute the Notice.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenant did not apply to dispute the Notice and is therefore conclusively presumed under section 47(6) of the Act to have accepted that the tenancy will end on the effective date of the Notice.

I find that the Landlord is entitled to an order of possession effective **at 1:00 p.m. April 30, 2010**. This order may be filed in the Supreme Court and enforced as an order of that Court.

I order that the Landlord may retain \$50.00 for the filing fee, from the security deposit held.

Conclusion

The Tenant failed to file to dispute the Notice to End Tenancy. The Tenant is presumed under the law to have accepted that the tenancy ended on the effective date of the Notice to End Tenancy.

The Landlord is granted an Order of Possession and may keep \$50.00 from the security deposit held for the filing fee for the Application.

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 19, 2010.

Dispute Resolution Officer