

DECISION

Dispute Codes FF, OPC

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties 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 filing fee that was paid for the application for dispute resolution.

Background and Evidence

The applicant testified that:

- On May 17, 2010 she personally served the respondent's with a one month Notice to End Tenancy for cause.
- The tenants have filed no dispute of the notice however they have failed to move.

The applicants are therefore requesting an Order of Possession for as soon as possible and are also requesting that the tenants pay the \$50.00 filing fee that they paid for their application for dispute resolution.

The respondent testified that:

- They have not filed any dispute of the notice to end tenancy.

- They have not move because they find it very difficult with only one vehicle to find a new place and move.
- They are willing to move but need it least two weeks to a month to be able to do so.

Analysis

The landlord has served the tenant with a valid section 47 Notice to End Tenancy and the tenant has not disputed that notice.

Section 47 of the act states:

(4) A tenant may dispute a notice under this section by making an application for dispute resolution within 10 days after the date the tenant receives the notice.

(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 tenants have filed no dispute of this notice they are conclusively presumed to have accepted the end of the tenancy and must vacate the rental unit.

The tenants have already had approximately 2 ½ months to find a new residence and to move, and I am not willing to allow their request for two weeks to a month more time.

I therefore allow the landlords request for an order possession and for the filing fee.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the respondent's, and have also ordered that the respondents bear the \$50.00 cost of the filing fee.

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: July 30, 2010.

Dispute Resolution Officer