



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPL, FF

Introduction

This was an application by the landlord for an order for possession pursuant to a two month Notice to End Tenancy. The hearing was conducted by conference call. The landlord attended the hearing but the tenants did not call in and did not participate despite having been served with the application and Notice of Hearing by registered mail sent on September 8, 2010. The tenants refused to accept the registered mail and it was returned to the landlord; she then served it by posting it to the tenants' door. The tenants' later acknowledged by way of a telephone call from an intermediary that they received the application and Notice of Hearing.

Issues(s) to be Decided

Is the landlord entitled to an order for possession?

Background and Evidence

The Landlord served the tenant with a two month Notice to End Tenancy for landlord's use dated August 18, 2010 by posting the Notice to the door of the rental unit. The Notice required the tenants to move out of the rental unit by October 31, 2010. The tenants have not filed an application for dispute resolution to cancel the Notice to End Tenancy.

Analysis and conclusion

The tenants had 15 days within which to dispute the Notice to End Tenancy by making an application for dispute resolution. Section 49(9) of the *Residential Tenancy Act* provides that a tenant who has received a Notice to End Tenancy for landlord's use and who does not dispute the Notice within the time provided is conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice and must vacate the rental unit by that date.

Based on the above facts I find that the landlord is entitled to an order for possession effective October 31, 2010 after service on the tenants. This order may be filed in the Supreme Court and enforced as an Order of that Court.

I make no order with respect to the filing fee for this application.