



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPC

Introduction

This matter dealt with an application by the Landlord for an Order of Possession.

The Landlord's agents said they served the Tenant in person on November 25, 2010 with a copy of the Application and Notice of Hearing (the "hearing package"). Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This tenancy started in April 2009. On November 3, 2010, the Parties participated in a hearing of an application for Dispute Resolution filed by the Tenant to cancel a One Month Notice to End Tenancy for Cause dated September 24, 2010. In a decision issued on November 3, 2010, the Dispute Resolution Officer found that the Landlord had grounds for issuing the One Month Notice and dismissed the Tenant's application to cancel it.

The Landlord's agents claim that although the One Month Notice dated September 2010 was upheld, the Tenant refused to move out on the effective date of the Notice. The Landlord's agents also said that they granted the Tenant's request to allow her to stay until the end of November and gave her a receipt for "use and occupancy" for her payment that month however to date the Tenant has not vacated the rental unit.

Analysis

I find that the Tenant's application to cancel the One Month Notice to End Tenancy for Cause dated September 24, 2010 was dismissed and that the time limit to apply for a Review of that Decision under s. 80 of the Act has expired. I also find that the Tenant



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

has failed to vacate the rental unit on the effective date (and subsequent extension thereof) of the Notice as required by s. 47(2) of the Act, and as a result, I find that the Landlord is entitled pursuant to s. 55 of the Act to an Order of Possession to take effect 2 days after service of it on the Tenant.

Conclusion

An Order of Possession to take effect 2 days after service of it on the Tenant has been issued to the Landlord. A copy of the Order must be served on the Tenant and may be enforced in the Supreme Court of British Columbia.

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: December 08, 2010.

Dispute Resolution Officer