



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPC, OPB

Introduction

This was an application by the landlord for an order for possession. The hearing was conducted by conference call. The landlord called into the conference and participated in the hearing. The tenant did not attend the hearing although he was served with the application for dispute resolution and Notice of Hearing sent by registered mail on November 9, 2010.

Issues(s) to be Decided

Is the landlord entitled to an order for possession?

Background and Evidence

The rental unit is a residential property in Duncan. The landlord personally served the tenant with a one month Notice to End Tenancy for cause on October 16, 2010. The Notice required the tenants to move out of the rental unit by November 16, 2010, but the earliest dated that the Notice could effectively end the tenancy was November 30, 2010.

Analysis and conclusion

The tenant has not applied to dispute the Notice; he is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Pursuant to section 53 of the *Residential Tenancy Act* the Notice to End Tenancy is corrected to end the tenancy effective November 30, 2010. Based on the above facts I find that the

landlord is entitled to an order for possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an Order of that Court.

Dated: December 01, 2010.
