



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes O

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession on a date effective when the tenancy ends according to the tenant's one month notice to end tenancy.

The landlord participated in the hearing and provided affirmed testimony. He testified that he served the Notice of a Dispute Resolution Hearing in person to the tenant on March 30th, 2011. The tenant did not participate and the hearing proceeded in the tenant's absence.

Issue(s) to be decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The rental unit consists of an apartment in a multi unit complex. Pursuant to a written agreement, the month to month tenancy started in August 2010 and the rent was \$1025.00.

In his documentary evidence, the landlord provided a copy of the tenant's March 14th, 2010 Notice to End Tenancy effective May 1st, 2011. The landlord testified that the

tenant is still in the rental unit and requests an order of possession effective on that date.

Analysis

Section 45(1) of the Act states in part that a tenant may end a periodic tenancy by giving the landlord notice to end the tenancy effective on a date that is not earlier than one month after the date the landlord received the notice. I accept that the tenant in this matter gave the landlord proper notice to end the tenancy, and accordingly the landlord is entitled to an order of possession.

Conclusion

Pursuant to section 55(2) of the Act, I grant the landlord an Order of Possession effective 1 p.m. on May 1st, 2011. This Order must be served upon the tenant. If necessary, this Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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 20, 2011.

Residential Tenancy Branch