



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: OPL

Introduction

This hearing dealt with the landlord's application for an order of possession for landlord's use of property. Both parties participated in the hearing and gave affirmed testimony.

Issue to be decided

- Whether the landlord is entitled to the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the original fixed term of tenancy was from April 1 to September 30, 2010. Thereafter, tenancy has continued on a month-to-month basis. Monthly rent is \$880.00, and a security deposit of \$440.00 was collected.

Pursuant to section 49 of the Act (**Landlord's notice: landlord's use of property**) the landlord issued a notice to end tenancy dated on or about May 3, 2011. A copy of the notice is not in evidence, however, there is no dispute that the tenants received the notice on or about May 3, 2011. The date shown on the notice by when the tenants must vacate the unit is July 31, 2011. The tenants do not dispute the notice and agreed that they will address any of their related inquiries regarding statutory entitlements to an Information Officer at the Residential Tenancy Branch.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Based on the documentary evidence and testimony of the parties, I find that the tenants were served with a 10 day notice to end tenancy for landlord's use of property on or about May 3, 2011. The tenants did not apply to dispute the notice within 15 days following its receipt. The tenants are therefore conclusively presumed under section

49(9) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord is entitled to an order of possession.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Sunday, July 31, 2011**. This order must be served on the tenants. Should the tenants fail to comply with the order, the 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*.

DATE: June 14, 2011

Residential Tenancy Branch