



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL FF

Introduction

This hearing dealt with an application by the landlord for an order of possession. Despite having been served with the application for dispute resolution and notice of hearing on June 29, 2011, the tenant did not participate in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

On April 27, 2011 the landlord served the tenant with a notice to end tenancy for landlord's use. The effective date of the notice was June 30, 2011. The tenant, and subtenants, did not dispute the notice to end tenancy and did not vacate on June 30, 2011. On July 5, 2011, the landlord received rent for July 2011 and gave the tenant a receipt which indicated that the amount received was for use and occupancy only. The landlord seeks an order of possession effective July 31, 2011.

Analysis

Based on the landlord's undisputed evidence, I find that the tenant was served with a notice to end tenancy and has not applied for dispute resolution to dispute the notice. The tenant is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession, effective against the tenant and all other occupants.

Conclusion

I grant the landlord an order of possession effective July 31, 2011. The tenant must be served with the order of possession. Should the tenant 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.

As the landlord's application was successful, she is also entitled to recovery of the \$50 filing fee for the cost of her application.

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: July 26, 2011.

Residential Tenancy Branch