

## **DECISION**

**Dispute Codes:** OPC

### **Introduction**

This application was brought by the landlord on August 9, 2011 seeking an Order of Possession pursuant to a one-month Notice to End Tenancy served on July 29, 2011 as the rental unit is contingent on employment which has ended.

### **Issues to be Decided**

This application requires a decision on whether the landlord is entitled to an Order of Possession as requested.

### **Background and Evidence**

This tenancy began in 2003 since which time the tenant has provided landscaping and yard work services in lieu of rent on a property which includes a commercial kennel.

The kennel manager and the tenant both appeared at the hearing, and there was no disagreement as to the facts.

### **Analysis**

Section 48(1) of the *Act* provides that:

A landlord may end the tenancy of a person employed as a caretaker, manager or superintendent of the residential property of which the rental unit is a part by giving notice to end the tenancy if

- (a) the rental unit was rented or provided to the tenant for the term of his or her employment,
- (b) the tenant's employment as a caretaker, manager or superintendent is ended, and
- (c) the landlord intends in good faith to rent or provide the rental unit to a new caretaker, manager or superintendent.

Section 48(6) of the *Act* states that, if a tenant receiving such notice does not make application to contest it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice which was August 31, 2011. The tenant did not make application.

I find the Notice to End Tenancy of July 29, 2011 to be lawful and valid, that the tenant is now over holding and that the landlord is entitled to an Order of Possession effective two days from service of it on the tenant.

## **Conclusion**

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect two days from service of it on the tenant.

September 12, 2011