



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, OPC, FF

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by hand on August 11, 2000 allowed, however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

First of all it is my decision that I will not deal with all the issues that the applicant has put on the application. For claims to be combined on an application they must related.

Not all the claims on this application are sufficiently related to the main issue, to be dealt with together.

I therefore will deal with the request for an Order of Possession and I dismiss the remaining monetary claim with liberty to re-apply.

Background and Evidence

On July 21, 2011 the respondent/tenant was served with a one month Notice to End Tenancy for clause with an effective end of tenancy date of August 31, 2011.

The tenant has failed to vacate the rental unit and has filed no dispute of the Notice to End Tenancy.

The applicant is therefore requesting an Order of Possession based on the notice, and an order for recovery of the filing fee.

Analysis

Section 47 of the Residential Tenancy Act states:

(4) A tenant may dispute a notice under this section by making an application for dispute resolution within 10 days after the date the tenant receives the notice.

(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the rental unit by that date.

In this case the tenant has filed no dispute of the Notice to End Tenancy and therefore is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, which was August 31, 2011.

I therefore allow the landlords request for an Order of Possession and recovery of the filing fee.

Conclusion

I have issued an Order of Possession to the landlord that is enforceable two days after service on the respondent and I have also ordered that the respondent pay the landlord \$50.00.

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: September 14, 2011.

Residential Tenancy Branch