



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPL

Introduction

This was the hearing of an application by the landlord for an Order of Possession. The hearing was conducted by conference call. Although the tenant was served with the application for Dispute Resolution and Notice of Hearing by personal service on August 31, 2011 he did not call into the conference and did not participate in the hearing. The landlord testified that the tenant still resides in the rental unit.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

On June 25, 2011 the tenant was served with a Two month Notice to End Tenancy for Landlord's Use, by personal service, with an effective date of August 31, 2011. The tenant has not / did not file an application to dispute the Notice to End Tenancy and has since received the requisite equivalent to one month's rent as compensation. The tenant remains in the rental unit and paid for *use and occupancy only* for the month of September 2011.

Analysis

Section 49 of the Act provides that if a tenant does not apply to dispute a Two Month Notice to End Tenancy within 15 days after receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and must vacate the rental unit by that date. The Notice to End Tenancy required the tenant to vacate the rental unit by August 31, 2011.

The tenant was served with the Notice to End; they have not disputed it by the required time to do so. I find that the landlord is entitled to an **Order of Possession**.

Conclusion

I grant an Order of Possession to the landlord **effective two (2) days after it is served on the tenant.** The tenant must be served with this **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.

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*.