



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession. Two agents and one witness for the landlord and one of the two tenants participated in the teleconference hearing.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The landlord's agent and witness testified that on August 31, 2011 the landlord posted a one month notice to end tenancy for cause on the tenants' door. The tenant who appeared in the hearing, JW, stated that he had not received the notice to end tenancy. JW did not know whether the other tenant, NW, had received the notice.

A notice is deemed served three days after it is posted. The tenants are therefore deemed to have received the notice on September 3, 2011. The effective date on the notice therefore is corrected to October 31, 2011. The tenants did not apply to dispute the notice.

### Analysis

Based on the landlord's evidence I find that the tenants were served with the notice to end tenancy. The tenants did not apply for dispute resolution to dispute the notice and are therefore conclusively presumed to have accepted that the tenancy ended on the corrected effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

The landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I grant the landlord an order of possession effective October 31, 2011. The tenants must be served with the order of possession. 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*.

Dated: October 17, 2011.

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Residential Tenancy Branch