

DECISION

Dispute Codes: OPC

Introduction

This is the Landlord's application for an Order of Possession.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that the Notice of Hearing documents were handed to the Tenant at the rental unit on September 2, 2011.

Based on the affirmed testimony of the Landlord, I am satisfied that the Tenant was served with the Notice of Hearing documents on September 2, 2011. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord gave the following testimony:

On August 12, 2011, the Landlord served the Tenant with a Notice to End Tenancy for Cause (the "Notice"), by handing the document to the Tenant at the rental unit. A copy of the Notice was provided in evidence. The Landlord seeks to end the tenancy because the rental unit must be vacated to comply with a government order. The Landlord testified that the City is shutting down the rental property.

The Landlord testified that the Tenant is not disputing the Notice and that the Tenant's social worker has advised the Landlord that the Tenant will be moving out on or about October 7, 2011. The Landlord seeks an Order of Possession effective November 30, 2011.

Analysis

I accept that the Landlord's affirmed testimony that he served the Tenant with the Notice to End Tenancy on August 12, 2011. This is an undisputed Notice and therefore, pursuant to the provisions of Section 47(5) of the Act, the Tenant is conclusively

presumed to have accepted that the tenancy ended on the effective date of the Notice. The Notice indicates a move-out date of November 30, 2011. I find that the Landlord is entitled to an Order of Possession and I make that Order, effective 1:00 p.m., November 30, 2011.

Conclusion

I hereby provide the Landlord an Order of Possession effective **1:00 p.m., November 30, 2011**. This Order must be served on the Tenant and 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 05, 2011.

Residential Tenancy Branch