



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: O

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for "Other".

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were sent to the Tenant at the rental unit, via registered mail, on November 16, 2011. The Agent for the Landlord cited a Canada Post tracking number that corroborates this statement. In the absence of evidence to the contrary I accept these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Tenant did not appear at the hearing.

The Agent for the Landlord stated that an evidence package, a copy of which was submitted to the Residential Tenancy Branch, was sent to the Tenant at the rental unit, via regular mail, on November 20, 2011. In the absence of evidence to the contrary I accept these documents have been served in accordance with section 88 of the *Act*, and it was accepted as evidence for these proceedings.

The Agent for the Landlord stated that an evidence package, a copy of which was submitted to the Residential Tenancy Branch, was posted at the rental unit on November 24, 2011. In the absence of evidence to the contrary I accept these documents have been served in accordance with section 88 of the *Act*, and it was accepted as evidence for these proceedings.

It is reasonably evident from information submitted by the Landlord that the Landlord is seeking an Order of Possession. This is the only issue that will be determined at this hearing as it is not clear, from the information provided, exactly what other resolution the Landlord is seeking. The Landlord retains the right to file another Application for Dispute Resolution for any other matters in dispute relating to this tenancy.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession, pursuant to sections 55 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Agent for the Landlord stated that this tenancy began on July 01, 2008. The Landlord submitted a copy of a tenancy agreement, which is signed by the Tenant. One

of the terms of this agreement is that the Tenant must vacate the rental unit by 1:00 p.m. on the last date of the tenancy.

The Agent for the Landlord stated that on October 31, 2011 the Tenant provided the Landlord with written notice of his intent to vacate the rental unit by November 30, 2011, a copy of which was submitted in evidence. The Agent for the Landlord stated that she does not believe the Tenant understands that he must vacate the rental unit by 1:00 p.m. on November 30, 2011 and she is therefore seeking an Order of Possession.

Analysis

Section 45 of the *Act* stipulates that a tenant may end a periodic tenancy by giving the landlord notice to end the tenancy effective on a date that is not earlier than one month after the date the landlord receives the notice, and is the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement.

On the basis of the undisputed evidence presented at the hearing, including the Tenant's written notice to end tenancy that the Agent for the Landlord said was received on October 31, 2011, I find that the Tenant ended this tenancy on November 30, 2011, pursuant to section 45 of the *Act*.

On the basis of the tenancy agreement that was submitted in evidence, I find that the tenancy agreement requires the Tenant to vacate the rental unit by 1 p.m. on the last day of the tenancy, which in these circumstances is November 30, 2011. As the Tenant has given proper notice to end this tenancy on November 30, 2011, I find that the Landlord is entitled to an Order of Possession, pursuant to section 55(2)(a) of the *Act*.

Conclusion

I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on November 30, 2011. This Order may be served on the Tenant, filed with 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: November 30, 2011.

Residential Tenancy Branch