



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

Based on the testimony of the landlord's agent, I find that the tenants was served with a one month notice to end tenancy for cause on December 18, 2011, by leaving a copy of the notice in the tenants' mail box.

The notice informed the tenants that they have ten days to dispute the notice. The notice also informs the tenants that if they do not file an application within ten days, they are presumed to have accepted the notice and must move out of the rental unit on the effective date of the notice, which is January 31, 2012.

The tenants' advocate asked that the effective date of the notice be extended to February 29, 2012, to give the tenants more time to move out of the rental unit.

The landlord's agent testified that she is not willing to extend the effective date of the notice to February 29, 2012, as the rodent problem in the tenants' rental unit is creating problems for other occupants and the exterminators need the rental unit vacant.

The landlord's agent agreed to extend the effective date of the notice to February 15, 2012.

Analysis

Based on the above, the statement, and evidence, and on a balance of probabilities, I find as follows:

The tenants did not apply to dispute the Notice and is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I find that the landlord is entitled to an order of possession effective **February 15, 2012 at 1:00 P.M.** This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession.

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: January 27, 2012.

Residential Tenancy Branch