



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 for Dispute Resolution by the landlord for an order of possession.

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

Issue(s) to be Decided

Is the landlord entitled to an order of possession for cause?

Background and Evidence

The tenancy began on July 15, 2010. Rent in the amount of \$980.00 was payable on the first of each month. A security deposit of \$440.00 and a pet damage deposit of \$440.00 were paid by the tenant.

Based on the testimony of landlord, I find that the tenant was served with a notice to end tenancy for cause on February 28, 2012, by personal service. The notice informed the tenant they have ten days to dispute the notice or they must move out of the rental unit on March 31, 2012.

The tenant testified that he has accepted the notice to end tenancy. The tenant states an agreement was made with the landlord to extend the effective date of the notice to April 30, 2012.

The landlord testified he consented to the extension and would like an order of possession for April 30, 2012 at 1:00 P.M.

Analysis

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

The tenant did not apply to dispute the Notice and is therefore conclusively presumed under section 47(1) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

The evidence of the tenant was he has accepted the notice to end tenancy. The evidence of the parties was an agreement was reached to extend the effective date of the notice to April 30, 2011 at 1:00 P.M.

Therefore, I find that the landlord is entitled to an order of possession effective **April 30, 2012, at 1:00 P.M.** a copy of this order must be served on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to recover the cost for this application in the amount \$50.00. Therefore, the landlord is granted a monetary order of **\$50.00.**

Conclusion

The tenant has accepted the notice to end tenancy. The landlord is granted an order of possession. I grant a monetary order for the cost of filing the application.

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: April 04, 2012.

Residential Tenancy Branch