



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 he served the Tenant with the Notice of Hearing documents by handing the documents to the Tenant at the rental unit on March 22, 2012.

Based on the affirmed testimony of the Landlord, I am satisfied that the Tenant was duly served with the Notice of Hearing documents on March 22, 2012. The teleconference remained open for 12 minutes. 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 testified that he served the Tenant with a Notice to End Tenancy for Cause on March 7, 2012, by handing the document to the Tenant at the rental unit. A copy of the Notice was provided in evidence. The Notice indicates that the rental unit must be vacated to comply with a government order. The Landlord also provided a copy of letters from the City dated March 5 and 14, 2012, and a Supreme Court Order dated March 15, 2012, in evidence.

The Landlord testified that the Tenant has filed his own Application for Dispute Resolution to cancel the Notice to End Tenancy. The Landlord provided the file number for the Tenant's Application.

Analysis

A search of the Residential Tenancy Branch's electronic filing system discloses that the Tenant filed an Application to dispute the Notice on April 4, 2012. The Tenant did not include an Application to be allowed more time to file his Application.

Based on the Landlord's affirmed testimony, I find that the Landlord served the Tenant with the Notice to End Tenancy on March 7, 2012. The Tenant did not file for dispute resolution, within 10 days of receiving the documents. Therefore, pursuant to the provisions of Section 47(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ends on April 30, 2012. I find that the Landlord is entitled to an Order of Possession and I make that Order, effective 1:00 p.m., April 30, 2012.

Conclusion

I hereby grant the Landlord an Order of Possession effective 1:00 p.m., April 30, 2012. 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: April 12, 2012.

Residential Tenancy Branch