



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPQ, FF

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession and a request for recovery of the \$50.00 filing fee.

Decision and reasons

The tenant has admitted that she received a Section 49.1, two month Notice to End Tenancy on May 5, 2012 and has filed no dispute that notice.

Sections 49.1(5) & (6) state:

(5) A tenant may dispute a notice under this section by making an application for dispute resolution within 15 days after the date the tenant receives the notice.

(6) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (5), the tenant

- (a) is **conclusively** presumed to have accepted that the tenancy ends on the effective date of the notice, and
- (b) **must** vacate the rental unit by that date.

Therefore it is my finding that the tenant is conclusively presumed to have accepted that the tenancy ends on July 31, 2012 and therefore she was required to vacate on that date.

I therefore allow the landlords request for an Order of Possession.

I also allow the request for recovery of the \$50.00 filing fee

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenant and I have ordered that the tenant bear the cost of the \$50.00 filing fee.

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: July 31, 2012.

Residential Tenancy Branch