



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPL

Introduction

This is the Landlords' application for an Order of Possession.

The Landlords' agent and the female Landlord gave affirmed testimony at the Hearing.

The Landlords' agent testified that he hand delivered the Notice of Hearing documents to the Tenant at the rental unit on March 22, 2013. The female Landlord testified that she witnessed the Landlords' agent serving the Notice of Hearing documents.

Based on the affirmed testimony of the Landlords' agent and the female Landlord, I am satisfied that the Tenant was duly served with the Notice of Hearing documents on March 22, 2013. 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

- Are the Landlords entitled to an Order of Possession?

Background and Evidence

The Landlord's agent gave the following testimony and evidence:

On February 28, 2013, the Landlords' agent served the Tenant with a 2 Month Notice to End Tenancy for Landlord's Use, by hand delivering the Notice to the Tenant at the rental unit.

The Landlords' agent stated that the Landlord has provided the Tenant with compensation as required by Section 51 of the Act, by not requiring the Tenant to pay rent for the month of April, 2013.

Analysis

I accept that the Tenant was duly served with the Notice to End Tenancy on February 28, 2013. Section 49(8) of the Act states that a tenant can dispute a Notice issued that section within 15 days of receiving the documents. In this case, the Tenant has not

disputed the Notice to End Tenancy. Therefore, pursuant to Section 49(9) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy will end on the effective date of the Notice to End Tenancy. Therefore, I find that the Landlords are entitled to an Order of Possession effective 1:00 p.m., May 1, 2013.

Conclusion

I hereby provide the Landlords with an Order of Possession effective 1:00 p.m., May 1, 2013. 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 19, 2013

Residential Tenancy Branch