



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, for a monetary order for unpaid rent and to recover the cost of filing the application.

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.

Preliminary Issue

At the outset of the hearing the landlord's agent stated that he is only proceeding with the request for an order of possession.

As a result, the landlord's application for a monetary order for unpaid rent is withdrawn and the landlord is at liberty to reapply.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for unpaid rent?

Background and Evidence

The tenant acknowledged that they received a 2 month notice to end tenancy for landlord use of property on February 2, 2013, with an effective vacancy date of April 1, 2013.

The notice informed the tenant that they have the right to dispute the notice within 15th days after it was received. The notice further explains that if the tenant does not file an Application for Dispute Resolution within 15 days that they are presumed to have accepted that the tenancy is ending and must move out of the rental unit by the date set out in the notice.

The tenant acknowledged that they did not file an application to dispute the notice to end tenancy.

Analysis

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

The tenant has not did not apply to dispute the Notice and is therefore conclusively presumed under section 4(9) 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 **two days** after service 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 of the filing fee from the tenant. I grant the landlord an order under section 67 of the Act, in the amount of \$50.00.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

Conclusion

The tenant failed to file to dispute the notice to end tenancy. The tenant is presumed under the law to have accepted that the tenancy ended on the effective date of the notice to end tenancy.

The landlord is granted an order of possession. The landlord is granted a monetary order.

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 23, 2013

Residential Tenancy Branch