



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Property Management Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL

Introduction

This was a hearing with respect to the landlord's application for an order for possession. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not attend, although he was served with the application and Notice of Hearing by posting it to the door of the rental unit on April 5, 2013.

Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Background and Evidence

The rental unit is a single room occupancy apartment in a building in Vancouver. The landlord is engaged in renovating the units and has relocated other tenants living in the building. On January 29, 2013 the tenant was served with a two month Notice to End Tenancy for landlord's use by posting it to the door of the rental unit. The Notice required the tenant to move out of the rental unit by April 1, 2013. The tenant did not apply to dispute the Notice to End Tenancy, but he has not moved from the rental unit and he has refused the landlord's offers to relocate him or to provide compensation. The landlord's representative testified that renovations that are in progress are at a standstill due to the tenant's refusal to move.

Analysis

Section 49 (8) of the *Residential Tenancy Act* provides that upon receipt of a Notice to End Tenancy for landlord's use of property a tenant may dispute the Notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch within 15 days after the date that the tenant receives the Notice. If, as in the present case, the tenant

does not dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. The effective date of the Notice was April 1, 2013.

Conclusion

Order of Possession - Based on the above background, evidence and analysis 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.

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 30, 2013

Residential Tenancy Branch

