



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC

Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy dated March 5, 2013 was sufficiently served on the Tenant by posting on March 5, 2013. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by posting on May 13, 2013. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to an Order for Possession?

Background and Evidence:

The tenancy began on March 22, 2013. The rent is \$700 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$350 at the start of the tenancy.

The landlord served a 10 day Notice to End Tenancy and a one month Notice to End Tenancy on the Tenant on March 5, 2013. The tenant saw a representative of the Kettle Friendship Society who wrote the landlord a letter stating they would be paying the arrears for March 2013 but that the tenant had accepted the one month Notice to End Tenancy and would be vacating at the end of April.

The tenant has failed to vacate. The tenant paid the rent for April but the rent for May and June has not been paid.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The landlord served a one month Notice to End Tenancy on the Tenant in March 2013. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date.

Accordingly, I granted the landlord an Order for Possession 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: June 06, 2013

Residential Tenancy Branch