



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

The landlord has applied for dispute resolution of a dispute in the tenancy at the above noted address, and requests an Order of Possession, based upon an undisputed one month Notice to End Tenancy.

The tenant did not attend the hearing. I accept he was personally served the notice of this hearing, and has also been personally served with the one month Notice to End Tenancy.

Issues to Be Decided

- Is the landlord entitled to an Order of Possession?

Background and Evidence

This tenancy began October 15, 2011, with monthly rent of \$1,200.00. On April 30, 2013, the tenant was personally served a one month Notice To End Tenancy, effective to end the tenancy on May 31, 2013. The tenant did not move out, and no dispute of the notice was ever filed. The landlord has subsequently accepted rent on a use and occupation basis for June.

Analysis

Section 47(5) of the Residential Tenancy Act, provides that when a tenant does not make application to dispute a notice to end the tenancy for cause within the time required, the tenant is conclusively deemed to have accepted that the tenancy ends on the effective date of the notice. Accordingly on this basis, and subject to the extension by virtue of the use and occupation period, I find the tenancy ends June 30, 2013. The landlord has established a right to possession effective that date.

Conclusion

Pursuant to Section 55(2)(b) of the Residential Tenancy Act, I issue an Order of Possession effective June 30, 2013. The landlord must serve this order upon the tenant. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

I further order that the tenant pay \$50.00 to the landlord, representing recovery of the landlord's 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: June 14, 2013

Residential Tenancy Branch