



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This was the hearing of an application by the landlord for an order for possession pursuant to a Notice to End Tenancy for landlord's use. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not attend, although he was served with the application and Notice of Hearing sent by registered mail on July 9, 2013.

Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Background and Evidence

The rental unit is a house in Powell River. The tenancy is a month to month tenancy that began approximately three years ago. On June 17, 2013 the landlord personally served an adult occupant of the rental unit with a two month Notice to End Tenancy for landlord's use. The Notice to End Tenancy required the tenant to move out of the rental unit by August 31, 2013. The grounds for the Notice were that the rental unit will be occupied by the landlord. The landlord said that he and his family intend to use the property as a weekend retreat.

When the tenant received the Notice to End Tenancy he told the landlord that he would rather not move out, but he has not applied to dispute the Notice to End Tenancy. The tenant has not paid the rent for August. He continues to occupy the rental unit.

Analysis

Section 49 of the Act provides that upon receipt of a Notice to End Tenancy for landlord's use, the tenant may dispute the Notice within fifteen days, after he receives

the Notice. If, as in the present case, the tenant does not apply for dispute resolution to dispute the Notice to End Tenancy he is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

The tenant was properly served with the Notice to End Tenancy and with Notice of this proceeding. He has not applied to dispute the Notice to End Tenancy and according, the tenancy will end on August 31, 2013, the effective date of the Notice. I grant the landlord an order for possession effective on that date, 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: August 16, 2013

Residential Tenancy Branch

