



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding James Holdings Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by two agents for the landlord.

The landlord submitted documentary evidence to confirm the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on August 14, 2013 in accordance with Section 89. As per Section 90, the documents are deemed received by the tenant on the 5th day after it was mailed.

Based on the evidence of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for landlord's use of property, pursuant to Sections 49 and 55 of the *Act*.

Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on March 3, 2002 for a 1 year fixed term tenancy beginning on March 1, 2002 that converted to a month to month tenancy on March 1, 2003 for the current monthly rent of \$995.00 due on the 1st of each month and a security deposit of \$363.00 was paid; and
- A copy of a 2 Month Notice to End Tenancy for Landlord's Use of Property that was issued on July 25, 2013 with an effective vacancy date of September 30, 2013 citing the landlord has all the necessary permits and approvals required by

law to demolish the rental unit or repair the rental unit in a manner that requires the rental unit to be vacant.

The landlord testified the tenant was served the 2 Month Notice to End Tenancy for Landlord's Use of Property personally on July 25, 2013.

The Notice states the tenant had 15 days to apply for Dispute Resolution or the tenancy would end. The tenant did not apply to dispute the Notice to End Tenancy.

Analysis

I have reviewed all evidence and testimony and accept that the tenant has been served with notice to end tenancy as declared by the landlord. The notice was received by the tenant on July 25, 2013 and the effective date of the notice is September 30, 2013. I accept the evidence before me that the tenant did not apply to dispute the notice within the 15 days granted under Section 49(8) of the *Act*.

Based on the foregoing, I find the tenant is conclusively presumed under Section 49(9) of the *Act* to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

I find the landlord is entitled to an order of possession effective **September 30, 2013 after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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: September 18, 2013

Residential Tenancy Branch

