



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Diversified Properties Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL FF

Introduction

This hearing dealt with the landlord's application for an order of possession.

The hearing first convened on August 2, 2013. On that date, an agent for the landlord, the tenant and an advocate for the tenant participated in the teleconference hearing. Due to service issues, I adjourned the hearing and issued an interim decision dated August 2, 2013. The landlord and the tenant were sent notice of the reconvened hearing.

The hearing reconvened as scheduled on September 16, 2013. The landlord's agent called in to the teleconference hearing, but the tenant did not. I was satisfied that the tenant was served with notice of the reconvened hearing, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The parties agreed that on May 23, 2013, the landlord served the tenant with a notice to end tenancy for landlord use. The notice indicated that the landlord intended to carry out renovations which required the rental unit to be vacant. The effective date of the notice was July 31, 2013. The tenant did not apply to cancel the notice.

Analysis

The tenant did not dispute the notice to end tenancy, and is therefore conclusively presumed to have accepted the notice. The tenancy therefore ended on the effective date of the notice. The landlord is therefore entitled to an order of possession pursuant to the notice to end tenancy dated May 15, 2013.

As the landlord's application was successful, they are also entitled to recovery of the filing fee for the cost of their application.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the landlord an order under section 67 for the balance due of \$50. This order may be filed in the Small Claims 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: September 16, 2013

Residential Tenancy Branch

