



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ABC COIN WASH SERVICE LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPL, MNR, FF

Introduction

This hearing was convened in response to an application by the landlord for an Order of Possession in relation to an undisputed Two Month Notice to End Tenancy for Landlord's Use of Property (the Notice) dated September 25, 2013 with an effective date of November 30, 2013. The landlord orally amended their application to exclude request for a monetary order for unpaid rent. That portion of their claim is preliminarily **dismissed**, without leave to reapply.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The Notice to End was served on the tenant and the tenant did not file an application for Dispute Resolution within 15 days to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ends on the effective date of the notice –

November 30, 2013. The landlord testified they filed the application as a course of due diligence.

Analysis

Section 55 of the Act, in part, states as follows:

Order of possession for the landlord

55 (2) A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution:

- (a) a notice to end the tenancy has been given by the tenant;
- (b) a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired;

Based on the above, I find the landlord is entitled to an **Order of Possession**.

Conclusion

I grant an Order of Possession to the landlord **effective November 30, 2013**. The tenant must be served with this 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.

This Decision is final and binding on both parties.

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: November 25, 2013

Residential Tenancy Branch

