



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0911860 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL

Introduction

This is an application for an Order of Possession based on the Notice to End Tenancy for landlord use.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on November 27, 2013; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the applicant entitled to an Order of Possession?

Background and Evidence

Applicant testified that:

- On November 4, 2013 a 2 month Notice to End Tenancy was sent to the respondent by registered mail, and was received by the respondent on November 9, 2013.
- The respondent has filed no dispute of the Notice to End Tenancy, and the time limit in which to do so is now well past.
- They're concerned that the tenant will not vacate on the end of tenancy date of January 31, 2014, because the tenant has made comments indicating he did not want to move and was not going to do so.

- They are therefore requesting that an Order of Possession be issued for the end of tenancy date of January 31, 2014, so that they can ensure that the tenant vacates when required.

Analysis

It's my finding that the applicants have served a valid two-month Notice to End Tenancy, and there's no evidence to show that the respondent has filed a dispute of that notice.

This tenancy, therefore, ends on January 31, 2014, and the tenant must vacate on that date.

Based on the landlord's testimony that the respondent has commented that he is not going to move, it's my finding that it's reasonable to issue an Order of Possession to ensure compliance with the Notice to End Tenancy.

Conclusion

I have issued an Order of Possession for 1:00 PM on January 31, 2014.

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: January 20, 2014

Residential Tenancy Branch

