



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Nelson Cares Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL

Introduction

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

A representative of the landlord attended the teleconference hearing and gave affirmed evidence. The tenant did not attend. The landlord's representative gave evidence that the tenant was personally served with the Notice of a Dispute Resolution Hearing and Landlord's Application for Dispute Resolution on January 22, 2014. I find the tenant was properly served.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord gave evidence that the tenant was personally served with the Notice to End Tenancy for Landlord's Use (the "Notice") on December 3, 2013. The Notice specifies an effective date of February 28, 2014. The tenant did not apply to dispute the Notice.

Analysis

I find that the tenant received the Notice on December 3, 2013.

According to Section 49, a tenant who has received a notice to end tenancy for landlord's use may dispute the notice by making application for dispute resolution within 10 days after the date the tenant receives the notice. Where a tenant does not apply for dispute resolution within 10 days, the tenant is conclusively presumed to have accepted

that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date.

Since the tenant did not apply for dispute resolution with 10 days of receiving the Notice, he is conclusively presumed to have accepted the end of his tenancy effective February 28, 2014. The landlord is therefore entitled to an order of possession.

Conclusion

I grant the landlord an order of possession.

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: March 03, 2014

Residential Tenancy Branch

