



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BARATA INVESTMENTS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, OPL, FF

Introduction

The landlord has applied for dispute resolution of a dispute in the tenancy at the above noted address, and requests an Early end of the tenancy and an Order of Possession, based upon an undisputed two month Notice to End Tenancy.

The tenant did not attend the hearing, although properly served with the notice of this hearing on March 7, 2014 by a bailiff retained by the landlord.

Issues to Be Decided

- Is the landlord entitled to an Order of Possession?

Background and Evidence

This tenancy began December 1, 2013. Monthly rent is \$1,250.00. On January 3, 2014, the tenant was personally served a two month Notice To End Tenancy, effective to end the tenancy on March 31, 2014. No dispute of the notice was ever filed. The tenant has failed to vacate the premises, and has paid no rent since January.

Analysis

Section 49(9) of the Residential Tenancy Act provides that when a tenant does not make application to dispute a notice to end the tenancy for landlord use, the tenant is conclusively deemed to have accepted that the tenancy ends on the effective date of the notice. Accordingly on this basis, I find the tenancy ended March 31, 2014. As that date has passed, the landlord has established a right to possession. Given the time that has passed, and the loss of rental income being suffered, it is appropriate that the Order be effective within 48 hours of service of the order upon the tenant. I further order that the landlord receive the sum of \$50.00 representing recovery of the filing fee paid by the landlord.

Conclusion

Pursuant to Section 55(2)(b) of the Residential Tenancy Act, I issue an Order of Possession effective 48 hours following service upon the tenant. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

The tenant must pay \$50.00 to the landlord.

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: April 07, 2014

Residential Tenancy Branch

