



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPL, FF

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Landlord's Use of Property and to recover the fee for filing this Application for Dispute Resolution.

The for the Landlord stated that on July 11, 2014 he witnessed the Applicant personally serve each Tenant with the Application for Dispute Resolution, the Notice of Hearing and documents the Landlord wishes to rely upon as evidence. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*; however neither Tenant appeared at the hearing.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord stated that this tenancy began on December 01, 2009 and that the Tenant is currently required to pay rent of \$725.00 by the first day of each month.

The Landlord stated that a Two Month Notice to End Tenancy for Landlord's Use of Property was personally served to the female Tenant on May 31, 2014, which declared that the Tenant was required to vacate the rental unit by August 31, 2014. He stated that the Tenant did not dispute the Notice to End Tenancy and the Tenant has not yet vacated the rental unit.

Analysis

On the basis of the undisputed evidence, I find that a Two Month Notice to End Tenancy for Landlord's Use of Property was personally served to the female Tenant on May 31,

2014, which declared that the Tenant was required to vacate the rental unit by August 31, 2014.

Section 49(8) of the *Residential Tenancy Act (Act)* stipulates that a tenant may dispute a notice served under this section by making an application for dispute resolution within 15 days after the date the tenant receives the notice. Section 49(9) of the *Act* stipulates that if a tenant who has received a notice under this section does not dispute the notice within 15 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.

As I have no evidence to show that the Tenant filed an Application for Dispute Resolution to dispute the Two Month Notice to End Tenancy that was served on May 31, 2014, I find that the Tenant is conclusively presumed to have accepted that the tenancy is ending and the Tenant was required to vacate by August 31, 2014. As the Tenant has not yet vacated, I find that the Landlord is entitled to an Order of Possession.

I find that the Landlord's Application for Dispute Resolution has merit and that the Landlord is entitled to recover the fee for filing this Application.

Conclusion

I grant the Landlord an Order of Possession, which is effective two days after it is served upon the Tenant. This Order may be served upon the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

I grant the Landlord a monetary Order for the amount \$50.00, in compensation for the cost of filing this Application for Dispute Resolution. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia 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, 2014

Residential Tenancy Branch

