



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Trailblazer Properties Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL FF

Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to a two month notice to end tenancy for landlord's use.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord stated that they personally served the tenants with the application for dispute resolution and notice of hearing by August 5, 2014. I accepted the landlord's evidence regarding service of notice of the hearing, and I proceeded with the hearing in the absence of the tenants.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord submitted evidence that on May 23, 2014, in the presence of a witness, the landlord personally served the tenants with a notice to end tenancy for landlord's use of property. The effective date of the notice was July 31, 2014. When the tenants did not apply to dispute the notice or vacate the unit by the effective date, the landlord applied for an order of possession.

Analysis

I accept the landlord's evidence that the tenants were served with the notice to end tenancy as declared by the landlord. I find that the tenants are conclusively presumed under section 49(9) of the Act to have accepted that the tenancy ended on the effective date of the notice. The landlord is therefore entitled to an order of possession.

As the application was successful, the landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. Should the tenants 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.

I also grant the landlord an order under section 67 for the amount due of \$50. This order may be filed in the 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 9, 2014

Residential Tenancy Branch

