



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL

### Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the two month Notice to End Tenancy was sufficiently served on the Tenant by mailing, by registered mail to where the tenant resides on September 19, 2014. A search of the Canada Post tracking service indicates the package was picked up by the tenant on October 1, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on October 23, 2014. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to an Order for Possession?

### Background and Evidence

The tenancy began in 1995. The present rent is \$550 per month payable in advance on the first day of each month. The tenant has failed to pay the rent for October and November. The tenant(s) continues to remain in the rental unit.

### Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The landlord served a 2 month Notice to End Tenancy on the Tenant by mailing, by registered mail to where the tenant resides on September 5, 2014. The Residential Tenancy Act provides that it

is deemed received 5 days later. The Tenant has not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides 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. The rent has not been paid for October and November. Accordingly, I granted the landlord an Order for Possession. **At the request of the landlord I set the effective date of the Order for Possession for December 31, 2014.**

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: December 01, 2014

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Residential Tenancy Branch

