



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 both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the two month Notice to End Tenancy was personally served on the Tenant on October 10, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was filed by the landlord was personally served on the tenants on October 25, 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 on September 1, 2009. The present rent is \$975 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$450 at the start of the tenancy. The tenant(s) have remained in the rental unit. The tenant testified they will be vacating the rental unit at the end of December and she does not dispute the issuance of an Order for Possession for that date.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The landlord served a two month Notice to End Tenancy on the tenant on October 10, 2014. The Tenant(s) have 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. Accordingly, I granted the landlord an Order for Possession effective 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 04, 2014

Residential Tenancy Branch

