



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

OPL

### **Introduction**

This hearing was convened in response to an application by the landlord for an Order of Possession in relation to an undisputed 2 Month Notice to End Tenancy for Landlord's Use of Property (the Notice) dated July 06, 2014 with an effective date (automatically adjusted) of September 30, 2014. The landlord attended the conference call hearing but the tenant did not. The landlord testified that they served the tenant with the Notice of Hearing package on November 10, 2014 by attaching the documents to the tenant's door. The landlord testified that they and the tenant subsequently communicated and it was confirmed the tenant received the Notice. I find the tenant has been served in accordance with Section 89 of the Act.

### **Issue(s) to be Decided**

Is the landlord entitled to an Order of Possession?

### **Background and Evidence**

The undisputed testimony is that the 2 Month Notice to End was served on the tenant on July 06, 2014 by attaching it to the door of the rental unit. The tenant has not / did not file(d) an application for Dispute Resolution within 15 days to dispute the Notice and, according to the landlord has not been residing in the unit for the past month, but that a quantum of belongings of the tenant still remain in the unit. The landlord also testified that the tenant has not paid rent for the past 4 months.

### **Analysis**

**Section 55** of the Act, in part, states as follows:

**Order of possession for the landlord**

**55** (2) A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution:

- (a) a notice to end the tenancy has been given by the tenant;
- (b) a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired;

The tenant did not file to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice – September 30, 2014. Based on the above, I find the landlord is entitled to an **Order of Possession**.

**Conclusion**

**I grant** an Order of Possession to the landlord **effective 2 days from the day it is served on the tenant**. The tenant must be served with this Order of Possession. Should the tenant 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.

**This Decision is final and binding on both parties.**

*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 10, 2014

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Residential Tenancy Branch

