



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 convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55; and
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions. The Landlord withdrew its claim for recovery of the filing fee.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The tenancy began on April 1, 2014. Rent of \$400.00 is payable in advance on the first day of each month. On September 23, 2014 the Landlord personally served the Tenant with a two month notice to end tenancy for landlord’s use (the “Notice”). The Tenant has not made an application for dispute resolution to dispute the Notice and while the Tenant appears to have moved out of the unit, the Tenant still enters the unit. The Tenant has received the equivalent of one month’s rent in compensation.

Analysis

Section 49 of the Act provides that upon receipt of a one month notice to end tenancy for landlord's use the tenant must, within fifteen days, dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. If the tenant does not dispute the notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Section 55 of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where 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.

Based on the evidence I find that the Tenant was given the Notice on September 23, 2014 and has not filed an application to dispute the Notice. Given these facts, I find that the Landlord is entitled to an **Order of Possession**.

Conclusion

I grant an Order of Possession to the Landlord. 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 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 03, 2014

Residential Tenancy Branch

