



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

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.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The following are undisputed facts: The tenancy began on September 1, 2013. Rent in the amount of \$400.00 is payable in advance on the first day of each month. On November 1, 2014, the Landlord served the Tenant with a 1 month notice to end tenancy for cause (the “Notice”) by sending the Notice registered mail on November 24, 2014. The Notice has an effective date of December 31, 2014. The Tenant has not filed an application to dispute the Notice and has not moved out of the unit. January 2015 rent has been paid.

The Tenant states that there are no rentals available for them to move into and asks for more time. The Landlord asks for an order of possession effective January 31, 2015.

Analysis

Section 47 of the Act provides that upon receipt of a notice to end tenancy for cause, the tenant may, within ten days of receiving the notice, 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 and must vacate the unit by that date. As the Tenants have not disputed the Notice by making an application for dispute resolution, I find that the Notice is effective and that the Tenants must move out of the unit.

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. As the Tenants have not disputed the Notice by making an application for dispute resolution, I find that the Landlord is entitled to an order of possession as claimed.

Conclusion

I grant an Order of Possession effective 1:00 p.m. January 31, 2015 to the Landlord.

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: January 12, 2015

Residential Tenancy Branch

