



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL

### Introduction

This hearing convened pursuant to the landlord's application for an order of possession. The landlord participated in the teleconference hearing but the tenants did not.

The landlord stated that the tenants were served with the application for dispute resolution and notice of hearing by attaching the hearing packages to the rental unit door on January 21, 2015. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants were deemed served with notice of the hearing on January 24, 2015, and I proceeded with the hearing in the absence of the tenants.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began on December 1, 2014 as a month-to-month tenancy. On December 26, 2014 the landlord served the tenants with a Notice to End Tenancy for Landlord's Use. The tenants did not apply to dispute the notice.

The Landlord's evidence included the following:

- a copy of a residential tenancy agreement, signed by the tenants and the landlord on November 29, 2014, indicating that the tenancy is a month-to-month tenancy with rent due on the first day of each month;
- a copy of a Notice to End Tenancy for Landlord's Use, issued on December 26, 2014, with an effective vacancy date of February 28, 2015, indicating that the

rental unit would be occupied by the landlord or a close family member of the landlord;

- a Proof of Service of Notice to End Tenancy establishing that the tenants were served the Notice to End Tenancy for Landlord's Use by attaching the notice to the rental unit door on December 26, 2014; and
- a copy of the Landlord's Application for Dispute Resolution, filed January 16, 2015.

### Analysis

I have reviewed all evidence and I accept that the tenants were served with the notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenants on December 29, 2014.

I accept the evidence before me that the tenants were served with the notice and did not apply to dispute the notice. I find that the tenants are conclusively presumed under to have accepted that the tenancy will end on the effective date of the notice. The landlord is therefore entitled to an order of possession.

### Conclusion

I grant the landlord an order of possession effective February 28, 2015. The tenants must be served with the order of possession. Should the tenants 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: February 2, 2015

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Residential Tenancy Branch

