



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL, FF  
Introduction

The landlords apply for an order of possession pursuant to a two month Notice to End Tenancy dated December 11, 2015 and served within two or three days after.

The tenant has not disputed the Notice within the 15 day period after service or at all.

Section 49 of the *Residential Tenancy Act* (the “*Act*”) is clear that if a tenant does not dispute the Notice he is conclusively presumed to have accepted the end of the tenant on the effective date in the Notice. I find that to be the result here.

The effective dated in the Notice was stated to be January 31, 2015. That date was not correct. The earliest lawful date the Notice could be effective was only after two full monthly rental periods as set out in s. 49. By operation of s.53 of the *Act* the Notice automatically corrected itself to the earliest lawful date the Notice could take effect.

That date is February 28, 2015 and it has passed. The tenant continues to occupy the premises. The landlords are therefore entitled to an order of possession.

I authorize the landlords to recover the \$50.00 filing fee paid for this application from the security deposit they hold.

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: March 30, 2015

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Residential Tenancy Branch

