



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HUGH & MCKINNON REALTY LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes:**

OPL

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a notice to end tenancy for landlord's use of property.

The notice of hearing was served on the tenant on May 07, 2015 in person. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

### **Issues to be decided**

Is the landlord entitled to an order of possession?

### **Background and Evidence**

The landlord testified that the tenancy started in 2002. The monthly rent is \$1,350.00 payable on the first of each month.

The landlord stated that on January 27, 2015, the landlord served the tenant with a notice to end tenancy for landlord's use of property, to be effective on March 31, 2015. The tenant did not dispute the notice. The landlord stated that as of the date of this hearing on June 11, 2015, the tenant had not moved out. The landlord has applied for an order of possession effective two days after service on the tenant.

### **Analysis**

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on January 27, 2015 and did not make application, pursuant to Section 49 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant.

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: June 11, 2015

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Residential Tenancy Branch

