



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction:

This was an application by the landlord for an Order for Possession pursuant to a Landlord Use Notice to End the Tenancy dated August 23, 2015 with a stated effective date of November 1, 2015. Only the landlord attended the telephone conference application.

Issues:

Is the landlord entitled to an Order for Possession?

Background and Evidence:

The landlord testified that the tenancy began on April 1, 2014 with rent in the amount of \$ 1,200.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 600.00 and pet deposit of \$ 300.00 at the beginning of the tenancy. The landlord testified that she served the Notice to End the tenancy on August 24, 2015 by posting it to the tenant's door and the dispute resolution package by posting it to the tenant's door on September 18, 2015. The Notice relies upon section 49 (6)(f) of the Act: converting the unit to a non-residential use.

Analysis:

Based on the evidence of the landlord I find that the tenant was deemed to have been personally served with a Notice to End Tenancy for non-payment of rent on August 27, 2015 by posting it to the door. I find that the application for Dispute Resolution was served on September 21, 2015 also by posting it to the tenant's door and pursuant to section 89 of the Act.

I have amended the effective date to October 31, 2015 or the last day in the month before the rent is normally due pursuant to section 53 (3).

The tenant has not applied for arbitration to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an order for possession effective on October 31, 2015 after service on the tenant.

Conclusion:

I have granted the landlord an Order for Possession dated October 31, 2105. This order may be filed in the Supreme Court and enforced as an Order of that Court. The landlord is cautioned to deal with the security and pet deposit in accordance with section 38 of the Act. This Decision and all Order must be served on the tenant as soon as possible.

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: October 06, 2015

Residential Tenancy Branch

