



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPL

Introduction

This hearing concerns the landlord's application for an order of possession for landlord's use of property. The landlord attended and gave affirmed testimony. The tenant did not appear.

The landlord testified that the application for dispute resolution and the notice of hearing (the "hearing package") was served by way of registered mail. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the package was "successfully delivered" on August 07, 2015. Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant has been duly served in accordance with section 89 of the Act which addresses **Special rules for certain documents**.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The landlord testified that when he purchased the subject unit several years ago, the tenant already resided there.

Pursuant to section 49 of the Act which addresses **Landlord's notice: landlord's use of property**, the landlord issued a 2 month notice to end tenancy dated May 21, 2015. The notice was served by way of posting to the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is July 31, 2015. The reason shown on the notice in support of its issuance is as follows:

The landlord has all necessary permits and approvals required by law to demolish the rental unit or repair the rental unit in a manner that requires the rental unit to be vacant.

The tenant did not apply to dispute the notice and neither has the tenant vacated the unit. The landlord's application for dispute resolution was filed on August 06, 2015.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 2 month notice to end tenancy for landlord's use of property dated May 21, 2015. The tenant did not apply to dispute the notice within 15 days of receiving it. The tenant is therefore conclusively presumed under section 49(9) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**. As the end of tenancy nears, the attention of the parties is drawn to the following sections of the Act:

Section 38: **Return of security deposit and pet damage deposit**

Section 51: **Tenant's compensation: section 49 notice**

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant 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: October 14, 2015

Residential Tenancy Branch

