



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, OPL

### Introduction

This is an application brought by the Landlord requesting An Order of Possession based on a 2 month Notice to End Tenancy, and recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by Personal service on October 03, 2015; however the respondent did not join the conference call that was set up for the hearing.

It is my finding that the respondent has been properly served with notice of the hearing and I therefore conducted the hearing in the respondents absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The issue is whether or not the applicant has the right to an Order of Possession.

### Background and Evidence

This is a month-to-month tenancy with a monthly rent of \$750.00, due on the 18th of each month.

The landlord testified that a two month Notice to End Tenancy was served on the tenant by registered mail on July 24, 2015.

The landlord further testified that the tenant has failed to comply with that Notice to End Tenancy and therefore he is requesting an order of possession for as soon as possible and an order for recovery of his \$50.00 filing fee.

The landlord further testified that the tenant has paid no further rent since receiving the Notice to End Tenancy.

### Analysis

It is my finding that the landlord has served the tenant with a valid Section 49, 2 month Notice to End Tenancy for landlord use.

Section 49(9) of the Residential Tenancy Act states:

(9) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (8), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the rental unit by that date.

In this case there is no evidence to show that the tenant has filed any dispute of the notice and therefore the tenant is conclusively presumed to have accepted the end of the tenancy on the effective date of the notice and must vacate the rental unit.

I therefore allow the landlords request for an order of possession and recovery of his filing fee.

Conclusion

Pursuant to sections 49 and 55 of the Residential Tenancy Act, I have issued an order of possession that is enforceable two days after service on the respondent.

Pursuant to sections 67 and 72 of the Residential Tenancy Act I have issued a monetary order in the amount of \$50.00.

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: December 02, 2015

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Residential Tenancy Branch

