



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Imago Developments
and [enant name suppressed to protect privacy]

DECISION

Dispute Codes OPL

Introduction

This was a hearing with respect to the landlord's application for an order of possession pursuant to a two month Notice to End Tenancy for landlord's use. The hearing was conducted by conference call. The landlord's agent called in and participated in the hearing. The tenant did not attend. She was served with the application and Notice of Hearing sent by registered mail on June 1, 2016. According to Canada Post records supplied by the landlord, the tenant did not pick up the registered mail, although the landlord's agent told her that the package had been sent to her by registered mail. Failure to pick up registered mail does not constitute a valid reason for failing to attend a hearing. The tenant is deemed to have received the registered mail on June 4, 2016, the third day after it was mailed.

Issue(s) to be Decided

Is the landlord entitled to an order of possession pursuant to the Notice to End Tenancy?

Background and Evidence

The rental unit is a residence in Coquitlam. The tenancy began in February, 2016 on a month to month basis. The landlord has sold the rental property. The purchaser instructed him to serve the tenant with a Notice to End Tenancy because the purchaser, or a close family member intends in good faith to occupy the rental unit. The landlord's agent personally served the tenant with a two month Notice to End Tenancy on April 30, 2016. The Notice to End Tenancy required the tenant to move out of the rental unit by June 30, 2016. The landlord has not required the tenant to pay rent for May or June. He requested that the tenant fix a window that she broke at the beginning of the tenancy. The tenant has refused to fix the window and as of the date of the hearing, June 30, 2016, she has made no effort to move out of the rental unit. the landlord's

agent said that she has refused to move. He requested that the landlord be granted an order of possession.

Analysis

Section 49 (8) of the *Residential Tenancy Act* provides that a tenant may dispute a two month Notice to End Tenancy by making an application for dispute resolution within 15 days after the date the tenant receives the Notice. The *Act* provides that if the tenant does not dispute the Notice to End Tenancy within the 15 day period, she is conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice and must vacate the rental unit by that date.

The tenant did not dispute the Notice to End Tenancy. She is conclusively presumed to have accepted that the tenancy ends on June 30, 2016. She has not vacated the rental unit and the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that court.

Conclusion

The landlord's application has been allowed and an order of possession has been granted.

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 30, 2016

Residential Tenancy Branch