



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to a notice to end tenancy for landlord's use. The landlord and the tenant participated in the teleconference hearing.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. Neither party raised any issues regarding service of the application or the evidence. Both parties were given full opportunity to give affirmed testimony and present their evidence. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

On February 10, 2016 the landlord personally served the tenants with a notice to end tenancy for landlord's use. The notice indicates that the landlord intends for a family member to occupy the rental unit. The corrected effective date of the notice is April 30, 2016.

The tenant did not dispute receiving the notice to end tenancy. The tenants did not file an application to cancel the notice.

Analysis

When a tenant is served with a notice to end tenancy and does not make an application to cancel the notice, they are conclusively presumed to have accepted the notice and the tenancy ends on the effective date of the notice.

In this case, the corrected effective date is April 30, 2016. I find that the tenancy ended on April 30, 2016, and since that time the tenants have been over-holding. The landlord is therefore entitled to an order of possession.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. Should the tenants 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: June 16, 2016

Residential Tenancy Branch