



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail actually received on May 31 and June 1, 2016 respectively, the tenants did not appear.

Issue(s) to be Decided

Is the landlord entitled to an order of possession and, if so, on what terms?

Background and Evidence

This month-to-month tenancy commenced March 1, 2015. The monthly rent of \$900.00 is due on the first day of the month. The tenants paid a security deposit of \$450.00.

On May 6, 2016, the tenants were personally served with a 2 Month Notice to End Tenancy for Landlord's Use. The effective date of the notice is July 31, 2016. The landlord's agent testified that the tenants did not serve the landlord with an application disputing the notice.

Analysis

The tenants did not apply to dispute the Notice and is therefore conclusively presumed under section 49(9) of the *Residential Tenancy Act* 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 of possession effective 1:00 pm, July 31, 2016.

As the landlord was successful on his application I find that he is entitled to reimbursement from the tenants of the \$100.00 fee he paid to file it

Conclusion

- a. An order of possession effective 1:00 pm, July 31, 2016 has been granted. If necessary, this order may be filed in the Supreme Court and enforced as an order of that Court.

- b. A monetary order in favour of the landlord in the amount of \$100.00 has been granted. . Pursuant to section 72(2) this amount may be deducted from the security deposit held by the landlord.

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 29, 2016

Residential Tenancy Branch