



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPL, FF

Introduction

The hearing was convened in response to an Application for Dispute Resolution filed by the Landlord in which the Landlord applied for an Order of Possession and to recover the fee for filing this Application.

The Landlord stated that on June 08, 2016 the Application for Dispute Resolution, the Notice of Hearing, and all evidence she submitted to the Residential Tenancy Branch were personally served to the Tenant. In the absence of evidence to the contrary, I accept that these documents were served in accordance with section 89 of the *Residential Tenancy Act (Act)*; however the Tenant did not appear at the hearing.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord stated that:

- this tenancy began prior to her purchasing the property in 2003;
- rent is due by the first day of each month;
- on March 26, 2016 she personally served the Tenant with a Two Month on Notice to End Tenancy for Landlord's Use of Property;
- the Notice to End Tenancy, which was submitted in evidence, declared that the Tenant must vacate the rental unit by June 01, 2016;
- the Tenant has not disputed the Notice to End Tenancy;
- the Tenant has not vacated the rental unit;
- rent for June was accepted for the purposes of "use and occupancy"; and
- rent has not been paid for July of 2016.

Analysis

In the absence of evidence to the contrary, I find that the Tenant received a Two Month Notice to End Tenancy for Landlord's Use of Property, served pursuant to section 49 of the *Act*, which required the Tenant to vacate the rental unit prior by June 01, 2016.

Section 49(9) of the *Act* stipulates that tenants are conclusively presumed to have accepted that the tenancy ends on the effective date of a notice received pursuant to section 49 of the *Act* and that he tenants must vacate the rental unit by that date unless the tenant disputes the notice within 15 days of receiving it. As there is no evidence that the Tenant filed an application to dispute the Two Month Notice to End Tenancy, I find that the Tenant accepted that the tenancy was ending on June 01, 2016, pursuant to section 49(9) of the *Act*.

I find that the Landlord's Application for Dispute Resolution has merit and that the Landlord is entitled to recover the cost of filing this Application.

Conclusion

I grant the Landlord an Order of Possession that is effective at two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

The Landlord has established a monetary claim of \$50.00 in compensation for the fee paid to file this Application for Dispute Resolution and I grant the Landlord a monetary Order for that amount. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court 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: July 07, 2016

Residential Tenancy Branch