



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This is an application brought by the Landlord requesting an early end to the tenancy and an Order of Possession. Some documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Issue(s) to be Decided

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

Background and Evidence

The parties agree that this tenancy began on October 1, 2011 and that the present monthly rent is \$750.00.

The parties also agree that, on July 17, 2016, the tenants were personally served with a section 47 one-month Notice to End Tenancy.

The landlord testified that the full September 2016 rent is presently outstanding.

The tenants testified that they have not filed any dispute of that Notice to End Tenancy, however they have not moved as they have not been able to find another place to rent. The landlord is requesting an Order of Possession for as soon as possible.

Analysis

Section 47(5) of the Residential Tenancy Act states:

(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), 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, the tenants have admitted that they received the section 47 Notice to End Tenancy and that they have not filed any dispute of that notice, and therefore it is my finding that the tenants are conclusively presumed to have accepted that the tenancy ends and they must vacate the rental unit.

I therefore allow the landlords request for an Order of Possession, as the end of tenancy date is already past.

Conclusion

Pursuant to section 55 of the Residential Tenancy Act, I have issued an Order of Possession that is enforceable two days after service on the tenants.

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: September 13, 2016

Residential Tenancy Branch