



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SOUTHWOODS VENTURES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes opc

Introduction

The landlord has applied for dispute resolution of a dispute in the tenancy at the above noted address, and requests an Order of Possession, based upon an undisputed one month Notice to End Tenancy.

The tenant did not attend the hearing. I accept that the tenant was properly served with the one month Notice to End Tenancy which was posted on the tenant's door, satisfying the requirements of section 88 (g) of the Residential Tenancy Act. I find the tenant was also served with the Landlord's application, by way of registered mail, satisfying the requirements of section 89(2)(d) of the Act. These documents are deemed to have been received by virtue of section 90(c) and 90(a) respectively.

Issues to Be Decided

- Is the landlord entitled to an Order of Possession?

Background and Evidence

A one month Notice To End Tenancy was given to the tenant, effective to end the tenancy on January 2, 2017. No dispute of the notice was ever filed.

Analysis

Section 47(5) of the Residential Tenancy Act, provides that when a tenant does not make application to dispute a notice to end the tenancy for cause within the time required, the tenant is conclusively deemed to have accepted that the tenancy ends on the effective date of the notice. The landlord requested an immediate end to the tenancy. I note however, that the Notice incorrectly provides that the tenancy ends January 16, 2017. Pursuant to section 47(2) of the Act, a one month notice given January 2 is not effective to end the tenancy until February 28, 2017, as a full rental period must be covered by the Notice. Pursuant to section 53, the Notice is deemed to be changed to end the tenancy on that date. Accordingly, the tenancy will end February 28, 2017, and an Order of Possession is issued for that date.

Conclusion

Pursuant to Section 55(2)(b) of the Residential Tenancy Act, I issue an Order of Possession effective February 28, 2017. Should the tenant be served with this Order, but fail to comply, the landlord may register the Order with the Supreme Court for enforcement.

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: February 17, 2017

Residential Tenancy Branch