



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DS 15TH AVENUE 2 DEVELOPMENTS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPL FF

Introduction

This hearing was convened in response to an application by the landlord for an Order of Possession in relation to an undisputed 2 Month Notice to End Tenancy for Landlord's Use (Notice to End) dated November 23, 2016 with an effective date of January 31, 2017. The landlord further seeks to recover the filing fee for this application.

I accept that despite having been served with the application for dispute resolution and notice for this hearing by registered mail on January 11, 2017 in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. I find that the Tenant has been served in accordance with the Act.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The Notice to End pursuant to **Section 49** of the Act was served on the tenant(s) by registered mail in accordance with Section 88 of Act. The landlord provided the Notice to end and accompanying evidence in support of issuing the Notice to End. The landlord provided the tracking information for the mail indicating the tenant received the Notice to End on November 24, 2016 and also on November 25, 2016. The tenant did not file an application for Dispute Resolution within the 15 days prescribed by **Section 49** to dispute the Notice.

Analysis

The full text of the Act, and other resources, can be accessed via the Residential Tenancy Branch website: www.gov.bc.ca/landlordtenant.

On the undisputed testimony and evidence of the landlord, I find the tenant was served with a 2 Month Notice to End Tenancy for Landlord's Use. I find the form and content of the notice to be

valid. The tenant has not filed to dispute the Notice within the period of time permitted by the Act and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above information, I find the landlord is entitled to an **Order of Possession**. The landlord is further entitled to recover the filing fee.

As the Effective date of the notice has passed, **I grant** an order of possession to the landlord effective not later than **two (2) days** after service of this Order. The tenant must be served with this Order of Possession. Should the tenant 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.

I grant the landlord a **Monetary Order** in the amount of **\$100.00**. **I order** the landlord may retain the amount of \$100.00 from the tenant's security deposit in satisfaction of this Order, **or** may enforce the Monetary Order via Small Claims Court.

Conclusion

The landlord's application has been granted.

This Decision is final and binding on both parties.

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 06, 2017

Residential Tenancy Branch