



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This is an application brought by the Landlord(s) requesting an Order of Possession based on a Notice to End Tenancy that was given for landlord use.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on April 29, 2017; however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All parties were affirmed.

Issue(s) to be Decided

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

Background and Evidence

The landlord testified that the tenants were personally served with a two month Notice to End Tenancy on December 30, 2016.

The landlord further testified that the tenants requested an extra 15 days, however they failed to move out of the rental unit on April 15, 2017, and therefore on April 19, 2017 they applied for dispute resolution requesting an Order of Possession.

The landlord further testified that, yesterday, May 28, 2017, she got a call from the male tenant stating that he had vacated the rental unit, but that his wife's belongings were still in the rental unit. No keys were returned.

The landlord further testified that the tenants have not paid any rent for the months of April 2017, or May 2017.

The landlord stated that they are requesting an order that the tenants move out of the rental unit as soon as possible.

Analysis

I have reviewed the evidence and testimony provided by the landlord and it is my finding that the landlords served the tenant with a valid, Section 49, Notice to End Tenancy for landlord use, that ended the tenancy on March 31, 2017.

The landlord stated that she had granted the tenants in extra 15 days, to April 15, 2017, to vacate the rental unit, and therefore the tenants should have vacated by that date however they failed to do so.

It is my decisions therefore that since the tenants have failed to comply with a valid Notice to End Tenancy; the landlord does have the right to an Order of Possession, pursuant to sections 49 and 55 of the Residential Tenancy Act.

Conclusion

Pursuant to sections 49 and 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: May 29, 2017

Residential Tenancy Branch